



# City of Hermosa Beach

City Hall  
1315 Valley Drive  
Hermosa Beach, CA  
90254

## Regular Meeting Agenda - Final City Council

*Mayor  
Stacey Armato*

*Mayor Pro Tem  
Mary Campbell*

*Councilmembers  
Hany S. Fangary  
Justin Massey  
Jeff Duclos*

---

Tuesday, January 8, 2019

6:00 PM

---

**Closed Session - 6:00 PM and Regular Meeting - 7:00 PM**  
**Councilmember Hany Fangary Teleconference Location:**  
**The Citizen Hotel, 926 J Street Sacramento California 95814**  
**Meeting Location: City Hall Council Chambers**

**6:00 P.M. - CLOSED SESSION**

(LOCATION: Meetings convene in the Council Chambers and move to the Second Floor Conference Room after Public Comment)

***CALL TO ORDER IN COUNCIL CHAMBERS***

***ROLL CALL***

***PUBLIC COMMENT***

***RECESS TO CLOSED SESSION IN SECOND FLOOR CONFERENCE ROOM***

1.     **19-0026**           **MINUTES:** Approval of minutes of Closed Session held on December 11, 2018.
  
2.     **19-0027**           **CONFERENCE WITH REAL PROPERTY NEGOTIATOR**  
          **Government Code Section 54956.8**  
**Property:** Airspace at 51 Pier Avenue (Loreto Plaza)  
**City Negotiator:** City Manager  
**Negotiating Party:** Pierside Properties, LLC  
**Under Negotiation:** Price and Terms of Payment for Lease of Airspace

***ADJOURNMENT OF CLOSED SESSION***

**7:00 P.M. - REGULAR AGENDA**

All council meetings are open to the public. PLEASE ATTEND.

The Council receives a packet with detailed information and recommendations on nearly every agenda item. City Council agenda packets are available for your review on the City's website located at [www.hermosabch.org](http://www.hermosabch.org). Complete agenda packets are also available for public inspection in the Office of the City Clerk.

During the meeting, a packet is also available in the Council Chambers foyer or you can access the packet at our website, [www.hermosabch.org](http://www.hermosabch.org), on your laptop, tablet or smartphone through the wireless signal available in the City Council chambers - Network ID: CHB-Guest, Password: chbguest

Written materials pertaining to matters listed on the agenda of a regular City Council meeting must be submitted by noon of the Tuesday, one week before the meeting in order to be included in the agenda packet (tentative future agendas can be found as Item 8 in every regular agenda packet). However, written materials received after that deadline will nonetheless be posted under the relevant agenda item on the City's website at the same time as they are distributed to the City Council by email and provided to the City Council and the public at the meeting.

**Submit your comments via eComment in three easy steps:**

Note: 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 (i.e. phone numbers, addresses, etc) that you do not want to be published.

1. Go to the Agendas/Minutes/Video webpage and find the meeting you'd like to submit comments on. Click on the eComment button for your selected meeting.
2. Find the agenda item for which you would like to provide a comment. You can select a specific agenda item/project or provide general comments under the Oral/Written Communications item.
3. Sign in to your SpeakUp Hermosa Account or as a guest, enter your comment in the field provided, provide your name, and if applicable, attach files before submitting your comment.

eComments can be submitted as soon as the meeting materials are published, but will only be accepted until 12:00 pm on the date of the meeting to ensure Council and staff have the ability to review comments prior to the meeting.

Persons who wish to address an issue of general nature (not pertaining to matters listed on the agenda) to the City Council for the official record may submit written material to the Council in lieu of or in addition to speaking under the Public Participation section of the meeting. Such written correspondence must be delivered to the City Manager's office ([anny@hermosabch.org](mailto:anny@hermosabch.org)) by noon of the Tuesday, one week before the regular Council meeting in order to be included in the agenda packet.

To comply with the Americans with Disabilities Act of 1990, Assistive Listening Devices (ALD) will be available for check out at the meeting. If you require special assistance to participate in this meeting, you must call or submit your request in writing to the Office of the City Clerk at (310) 318-0203 at least 48 hours prior to the meeting.

**CALL TO ORDER****PLEDGE OF ALLEGIANCE****ROLL CALL****CLOSED SESSION REPORT****ANNOUNCEMENTS****APPROVAL OF AGENDA****PROCLAMATIONS / PRESENTATIONS**

- a) 19-0011                      **RECOGNIZING MIKE HEDRICK AND HOMAYOUN BEHBOODI  
FOR THEIR SERVICE TO THE CITY OF HERMOSA BEACH**
- b) 19-0024                      **PROCLAMATION RETRO-ACTIVELY RECOGNIZING  
NOVEMBER 16, 2018 AS THE DAY OF TOLERANCE  
IN HERMOSA BEACH**

**MISCELLANEOUS ITEMS AND REPORTS - CITY MANAGER**

- a) 19-0012                      **UPDATES TO THE CITY OF HERMOSA BEACH  
AGENDA PREPRATION PROCESS**
- b) 19-0023                      **INFILTRATION PROJECT UPDATE**

**PUBLIC PARTICIPATION:****1. ORAL AND WRITTEN COMMUNICATIONS:**

- a) [19-0030](#)                      **SUPPLEMENTAL WRITTEN COMMUNICATION**

**Recommendation:** Staff recommends that the City Council receive and file the written communication.

**2. CONSENT CALENDAR:**

- a) [REPORT](#)                      **CITY COUNCIL MEETING MINUTES**  
[19-0004](#)                      (Deputy City Clerk Linda Abbott)
- b) [REPORT](#)                      **CHECK REGISTERS**  
[19-0013](#)                      (Finance Director Viki Copeland)

**Recommendation:** Staff recommends that the City Council ratify the following check registers.

c) [REPORT](#)  
[19-0003](#) **REVENUE REPORT, EXPENDITURE REPORT,  
AND CIP REPORT BY PROJECT FOR NOVEMBER 2018**

(Finance Director Viki Copeland)

**Recommendation:** Staff recommends that the City Council receive and file the November 2018 Financial Reports.

d) [REPORT](#)  
[19-0002](#) **CITY TREASURER'S REPORT AND CASH BALANCE REPORT**

(City Treasurer Karen Nowicki)

**Recommendation:** City Treasurer recommends that the City Council receive and file the November 2018 City Treasurer's Report and Cash Balance Report.

e) [REPORT](#)  
[19-0001](#) **RECOMMENDATION TO REJECT CLAIM**

(Human Resources Manager Vanessa Godinez)

**Recommendation:** Staff recommends that the City Council reject the following claim and refer it to the City's Liability Claims Administrator.

Claimant: Brian Anstey

Date of Loss: June 26, 2018

Date Filed: November 19, 2018

Allegation: Police officers from an outside agency were chasing a suspect. The suspect damaged the claimant's fence while trying to escape.

### 3. CONSENT ORDINANCES

a) [REPORT](#)  
[19-0005](#) **ORDINANCE NO. 18-1389 - "AN ORDINANCE OF THE CITY OF  
HERMOSA BEACH, CALIFORNIA, ADDING CHAPTER 5.78 TO THE  
HERMOSA BEACH MUNICIPAL CODE (TOBACCO RETAILERS)  
REQUIRING LICENSURE OF TOBACCO RETAILERS AND LIMITING  
SALE OF ELECTRONIC SMOKING DEVICES AND FLAVORED  
TOBACCO PRODUCTS TO REDUCE THE ILLEGAL SALE OF  
TOBACCO TO YOUTH AND AMENDING SECTION 1.10.040 TO  
MAKE VIOLATIONS OF CHAPTER 5.78 SUBJECT TO  
ADMINISTRATIVE PENALTY PROCEDURES"**

(City Clerk Elaine Doerfling)

**Recommendation:** The City Clerk recommends that the City Council waive full reading and adopt by title Ordinance No. 18-1389.

### 4. ITEMS REMOVED FROM THE CONSENT CALENDAR FOR SEPARATE DISCUSSION \* Public comments on items removed from the Consent Calendar.

### 5. PUBLIC HEARINGS

a) [REPORT  
19-0015](#)

**CONSIDERATION OF AN ORDINANCE TO ALLOW AND REGULATE  
WIRELESS COMMUNICATION FACILITIES IN THE PUBLIC  
RIGHT-OF-WAY AND CORRESPONDING DESIGN STANDARDS,  
AND UPDATE ON AT&T'S PROPOSAL FOR MULTIPLE  
INSTALLATIONS OF SMALLER WIRELESS COMMUNICATION  
FACILITIES TO PROVIDE REPLACEMENT COVERAGE TO  
EXISTING SITES LOCATED AT 20TH AND 29TH COURT**

*(Continued from meeting of September 25, 2018)*

(Assistant City Attorney Lauren Langer,  
Community Development Director Ken Robertson,  
and Public Works Director Glen Kau)

- Recommendation:** Staff recommends that the City Council:
1. Introduce for first reading the attached ordinance (Exhibit A) to amend Municipal Code, Title 12 to regulate wireless telecommunication facilities in the public right of way, and determine the project is not subject to the California Environmental Quality Act;
  2. Adopt the attached Resolution to approve the corresponding Design Standards for wireless telecommunication facilities in the public right of way;
  3. Direct staff to bring back a master license agreement with a standard lease rate for use of any public property for these facilities; and
  4. Direct Public Works staff to bring back an amendment to the master fee schedule to establish application fees and penalty fees.

b) [REPORT  
19-0009](#)

**ADOPTION OF RESOLUTION APPROVING  
THE ALLOCATION OF APPROXIMATELY \$71,298 OF  
FEDERAL COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG)  
FUNDS FOR SIDEWALK CURB RAMPS, AUTHORIZING USE  
OF CDBG FUNDS FOR CONTRACTORS, AND GRANTING  
THE PUBLIC WORKS DIRECTOR AUTHORITY TO  
SUBMIT A NOTICE OF COMPLETION**

(Community Development Director Ken Robertson)

- Recommendation:** Staff recommends that the City Council adopt the FY 2019-20 budget resolution which:
1. Approves the FY 2019-2020 CDBG allocation of approximately \$71,298;
  2. Approves the allocation of approximately \$71,298 of Federal CDBG funds in FY 2019-20 for the Americans with Disability Act (ADA) sidewalk ramp project;
  3. Authorizes the use of CDBG funds in FY 2019-20 for a construction contractor and a Contract/Labor Compliance Officer to provide direct project related services, including, but not limited to, construction management and inspections; and
  4. Grants the Public Works Director authority to submit a notice of completion once work is complete.

## 6. MUNICIPAL MATTERS

- a) [REPORT](#)  
[19-0006](#)
- APPROVAL TO IMPLEMENT THE VENDINI ONLINE  
TICKETING SERVICE FOR THE COMMUNITY THEATER  
AND 2ND STORY THEATER; AND RESOLUTION ESTABLISHING  
A PER TICKET SERVICE FEE AND A SETUP FEE FOR ITS  
USE BY RENTERS OF THE COMMUNITY THEATER  
AND 2ND STORY THEATER FACILITIES**  
(Community Resources Manager Kelly Orta)

**Recommendation:** Staff recommends that the City Council:

1. Approve the implementation of the Vendini online ticketing service for the Community Theater and 2nd Story Theater; and
2. Approve the resolution establishing a per ticket service fee; and a setup fee for Vendini's use by renters of the Community Theater and 2nd Story Theater facilities.

## 7. MISCELLANEOUS ITEMS AND MEETING ATTENDANCE REPORTS - CITY COUNCIL

- a) [REPORT](#)  
[19-0008](#)
- APPOINTMENT OF CITY REPRESENTATIVE  
TO THE LOS ANGELES COUNTY WEST VECTOR AND  
VECTOR-BORNE CONTROL DISTRICT BOARD**  
(City Clerk Elaine Doerfling)

**Recommendation:** City Clerk recommends that the City Council appoint a Hermosa Beach representative to the Los Angeles County West Vector and Vector-Borne Control District Board for the January 1, 2019 through December 31, 2020 two-year term.

- b) [REPORT](#)  
[19-0028](#)
- CONSIDERATION OF APPOINTING A  
CITY COUNCIL REPRESENTATIVE TO SERVE ON THE NEW  
KHHR COMMUNITIES NETWORK COMMITTEE - A STANDING  
COMMITTEE CREATED BY THE CITY OF HAWTHORNE  
TO ADDRESS AIRPORT NOISE IMPACTS**  
(City Manager Suja Lowenthal)

**Recommendation:** Staff recommends that the City Council:

1. Appoint a Council representative to serve on the new KHHR Communities Network Committee; and
2. Authorize the City Manager to sign an official letter of appointment addressed to City of Hawthorne Interim City Manager, Arnold Shadbeh.

## 8. OTHER MATTERS - CITY COUNCIL

- a) [REPORT](#)  
[19-0007](#)
- TENTATIVE FUTURE AGENDA ITEMS**

**Recommendation:** Staff recommends that the City Council receive and file the tentative future agenda items.

## ADJOURNMENT

**FUTURE MEETINGS AND CITY HOLIDAYS**

## CITY COUNCIL MEETINGS:

January 14, 2019 - Monday - Adjourned Regular Meeting:

6:00 PM - Joint City Council and EPAC Study Session

January 22, 2019 - Tuesday - 6:00 PM - Closed Session,

7:00 PM - City Council Meeting

February 6, 2019 - Wednesday - Adjourned Regular Meeting:

6:00 PM - Study Session

February 12, 2019 - Tuesday - 6:00 PM - Closed Session,

7:00 PM - City Council Meeting

February 26, 2019 - Tuesday - 6:00 PM - Closed Session,

7:00 PM - City Council Meeting

March 6, 2019 - Wednesday - Adjourned Regular Meeting:

6:00 PM - Study Session

March 9, 2019 - Saturday - Adjourned Regular Meeting:

9:00 AM - City Council Retreat

March 12, 2019 - Tuesday - 6:00 PM - Closed Session,

7:00 PM - City Council Meeting

March 18, 2019 - Monday - Adjourned Regular Meeting:

7:00 PM - Joint Meeting with School Board

March 26, 2019 - Tuesday - 6:00 PM - Closed Session,

7:00 PM - City Council Meeting

April 9, 2019 - Tuesday - 6:00 PM - Closed Session,

7:00 PM - City Council Meeting

April 23, 2019 - Tuesday - 6:00 PM - Closed Session,

7:00 PM - City Council Meeting

April 24, 2019 - Wednesday - Adjourned Regular Meeting:

6:00 PM - FY 2019-2020 Capital Improvement Program

May 1, 2019 - Wednesday - Adjourned Regular Meeting:

6:00 PM - Study Session

May 14, 2019 - Tuesday - 6:00 PM - Closed Session,

7:00 PM - City Council Meeting

May 22, 2019 - Wednesday - Adjourned Regular Meeting:

6:00 PM - Budget Workshop

May 28, 2019 - Tuesday - 6:00 PM - Closed Session,

7:00 PM - City Council Meeting

June 5, 2019 - Wednesday - Adjourned Regular Meeting:

6:00 PM - Study Session

June 11, 2019 - Tuesday - 6:00 PM - Closed Session,

7:00 PM - City Council Meeting

June 25, 2019 - Tuesday - 6:00 PM - Closed Session,

7:00 PM - City Council Meeting

July 9, 2019 - Tuesday - 6:00 PM - Closed Session,

7:00 PM - City Council Meeting

July 18, 2019 - Thursday - Adjourned Regular Meeting:

6:00 PM - Joint Meeting with All Boards and Commissions

July 23, 2019 - Tuesday - 6:00 PM - Closed Session,

7:00 PM - City Council Meeting



## CITY COUNCIL MEETINGS - CONTINUED:

August 13, 2019 - Tuesday - No Meeting (Dark)

August 27, 2019 - Tuesday - 6:00 PM - Closed Session,  
7:00 PM - City Council Meeting

September 4, 2019 - Wednesday - Adjourned Regular Meeting:  
6:00 PM - Study Session

September 10, 2019 - Tuesday - 6:00 PM - Closed Session,  
7:00 PM - City Council Meeting

September 24, 2019 - Tuesday - 6:00 PM - Closed Session,  
7:00 PM - City Council Meeting

October 2, 2019 - Wednesday - Adjourned Regular Meeting:  
6:00 PM - Study Session

October 8, 2019 - Tuesday - No Meeting (Re-scheduled to Oct. 10)

October 10, 2019 - Thursday - Adjourned Regular Meeting:  
6:00 PM - Closed Session and 7:00 PM - City Council Meeting

October 22, 2019 - Tuesday - 6:00 PM - Closed Session,  
7:00 PM - City Council Meeting

November 6, 2019 - Wednesday - Adjourned Regular Meeting:  
6:00 PM - Study Session

November 12, 2019 - Tuesday - 6:00 PM - Closed Session,  
7:00 PM - City Council Meeting

November 18, 2019 - Monday - Adjourned Regular Meeting:  
6:00 PM - Closed Session and 7:00 PM - City Council Meeting

November 21, 2019 - Thursday - Adjourned Regular Meeting:  
6:00 PM - Mayor Rotation

November 26, 2019 - Tuesday - No Meeting (Re-scheduled to Nov. 18)

December 4, 2019 - Wednesday - Adjourned Regular Meeting:  
6:00 PM - Study Session

December 10, 2019 - Tuesday - No Meeting (Re-scheduled to Dec. 12)

December 12, 2019 - Thursday - Adjourned Regular Meeting:  
6:00 PM - Closed Session and 7:00 PM - City Council Meeting

December 24, 2019 - Tuesday - No Meeting (Dark)

## BOARDS, COMMISSIONS AND COMMITTEE MEETINGS:

January 14, 2019 - Monday - Adjourned Regular Meeting:

6:00 PM - Joint City Council and EPAC Study Session

January 15, 2019 - Tuesday - 7:00 PM - Planning Commission Meeting

January 16, 2019 - Wednesday - 7:00 PM - Public Works Commission Meeting

February 5, 2019 - Tuesday - 7:00 PM - Parks and Recreation Advisory Commission Meeting

February 19, 2019 - Tuesday - 7:00 PM - Planning Commission Meeting

March 4, 2019 - Monday - 7:00 PM - Emergency Preparedness Advisory Commission Meeting

March 5, 2019 - Tuesday - 7:00 PM - Parks and Recreation Advisory Commission Meeting

March 19, 2019 - Tuesday - 7:00 PM - Planning Commission Meeting

March 20, 2019 - Wednesday - 7:00 PM - Public Works Commission Meeting

April 2, 2019 - Tuesday - 7:00 PM - Parks and Recreation Advisory Commission Meeting

April 16, 2019 - Tuesday - 7:00 PM - Planning Commission Meeting

May 6, 2019 - Monday - 7:00 PM - Emergency Preparedness Advisory Commission Meeting

May 7, 2019 - Tuesday - 7:00 PM - Parks and Recreation Advisory Commission Meeting

May 15, 2019 - Wednesday - 7:00 PM - Public Works Commission Meeting

May 21, 2019 - Tuesday - 7:00 PM - Planning Commission Meeting

June 4, 2019 - Tuesday - 7:00 PM - Parks and Recreation Advisory Commission Meeting

June 18, 2019 - Tuesday - 7:00 PM - Planning Commission Meeting

July 2, 2019 - Tuesday - 7:00 PM - Parks and Recreation Advisory Commission Meeting

July 8, 2019 - Monday - 7:00 PM - Emergency Preparedness Advisory Commission Meeting

July 16, 2019 - Tuesday - 7:00 PM - Planning Commission Meeting

July 17, 2019 - Wednesday - 7:00 PM - Public Works Commission Meeting

August 6, 2019 - Tuesday - 7:00 PM - Parks and Recreation Advisory Commission Meeting

August 20, 2019 - Tuesday - 7:00 PM - Planning Commission Meeting

September 3, 2019 - Tuesday - 7:00 PM - Parks and Recreation Advisory Commission Meeting

September 9, 2019 - Monday - 7:00 PM - Emergency Preparedness Advisory Commission Meeting

September 17, 2019 - Tuesday - 7:00 PM - Planning Commission Meeting

September 18, 2019 - Wednesday - 7:00 PM - Public Works Commission Meeting

October 1, 2019 - Tuesday - 7:00 PM - Parks and Recreation Advisory Commission Meeting

October 15, 2019 - Tuesday - 7:00 PM - Planning Commission Meeting

November 4, 2019 - Monday - 7:00 PM - Emergency Preparedness Advisory Commission Meeting

November 5, 2019 - Tuesday - 7:00 PM - Parks and Recreation Advisory Commission Meeting

November 19, 2019 - Tuesday - 7:00 PM - Planning Commission Meeting

November 20, 2019 - Wednesday - 7:00 PM - Public Works Commission Meeting

December 3, 2019 - Tuesday - 7:00 PM - Parks and Recreation Advisory Commission Meeting

December 9, 2019 - Tuesday - 7:00 PM - Planning Commission Meeting

## CITY OFFICES CLOSED FRIDAY-SUNDAY AND ON THE FOLLOWING DAYS:

January 21, 2019 - Monday - Martin Luther King, Jr. Birthday

February 18, 2019 - Monday - President's Day

May 27, 2019 - Monday - Memorial Day

July 4, 2019 - Thursday - Independence Day

September 2, 2019 - Monday - Labor Day

November 11, 2019 - Monday - Veteran's Day

November 28, 2019 - Thursday, Thanksgiving Day

December 25, 2019 - Wednesday - Christmas Day

January 1, 2020 - Wednesday - New Year's Day (2020)



# City of Hermosa Beach

City Hall  
1315 Valley Drive  
Hermosa Beach, CA 90254

## Staff Report

---

### Staff Report

19-0026

---

### Honorable Mayor and Members of the Hermosa Beach City Council Closed Session of January 8, 2019

**MINUTES:** Approval of minutes of Closed Session held on December 11, 2018.



# City of Hermosa Beach

City Hall  
1315 Valley Drive  
Hermosa Beach, CA 90254

## Staff Report

---

### Staff Report

19-0027

---

**Honorable Mayor and Members of the Hermosa Beach City Council  
Closed Session of January 8, 2019**

### **CONFERENCE WITH REAL PROPERTY NEGOTIATOR**

**Government Code Section 54956.8**

**Property:** Airspace at 51 Pier Avenue (Loreto Plaza)

**City Negotiator:** City Manager

**Negotiating Party:** Pierside Properties, LLC

**Under Negotiation:** Price and Terms of Payment for Lease of Airspace



# City of Hermosa Beach

City Hall  
1315 Valley Drive  
Hermosa Beach, CA 90254

## Staff Report

---

### Staff Report

19-0011

---

**Honorable Mayor and Members of the Hermosa Beach City Council  
Regular Meeting of January 8, 2019**

**RECOGNIZING MIKE HEDRICK AND HOMAYOUN BEHBOODI  
FOR THEIR SERVICE TO THE CITY OF HERMOSA BEACH**



# City of Hermosa Beach

City Hall  
1315 Valley Drive  
Hermosa Beach, CA 90254

## Staff Report

---

### Staff Report

19-0024

---

**Honorable Mayor and Members of the Hermosa Beach City Council  
Regular Meeting of January 8, 2019**

**PROCLAMATION RETRO-ACTIVELY RECOGNIZING  
NOVEMBER 16, 2018 AS THE DAY OF TOLERANCE  
IN HERMOSA BEACH**



# City of Hermosa Beach

City Hall  
1315 Valley Drive  
Hermosa Beach, CA 90254

## Staff Report

---

### Staff Report

19-0012

---

**Honorable Mayor and Members of the Hermosa Beach City Council  
Regular Meeting of January 8, 2019**

### **UPDATES TO THE CITY OF HERMOSA BEACH AGENDA PREPRATION PROCESS**



# City of Hermosa Beach

City Hall  
1315 Valley Drive  
Hermosa Beach, CA 90254

## Staff Report

---

### Staff Report

19-0023

---

**Honorable Mayor and Members of the Hermosa Beach City Council  
Regular Meeting of January 8, 2019**

### **INFILTRATION PROJECT UPDATE**





# City of Hermosa Beach

City Hall  
1315 Valley Drive  
Hermosa Beach, CA 90254

## Staff Report

---

### Staff Report

19-0030

---

Honorable Mayor and Members of the Hermosa Beach City Council  
Regular Meeting of January 8, 2019

### SUPPLEMENTAL WRITTEN COMMUNICATION

**Recommended Action:**

Staff recommends that the City Council receive and file the written communication.

**Attachments:**

1. Letter from Chris Miller

1/8/19 AGENDA, ITEM 1 - WRITTEN COMMUNICATION  
SUPPLEMENTAL EMAIL AND ATTACHMENTS SUBMITTED TO THE CITY CLERK'S OFFICE BY CHRIS MILLER  
ON 1/7/19 AT 9:26 A.M.

**From:** Chris Miller <[chrismillerphotography4@gmail.com](mailto:chrismillerphotography4@gmail.com)>  
**Sent:** Monday, January 7, 2019 9:26 AM  
**To:** City Clerk <[cityclerk@hermosabch.org](mailto:cityclerk@hermosabch.org)>  
**Subject:** Concerns about the Final EIR -proposed North School

January 7, 2019

Elaine Doerfling,  
Hermosa Beach City Clerk

Here we go again, the Hermosa Beach City School District released the final EIR for the proposed North School site just days after Christmas. With all public review supposed to be achieved by January 7, 2019.....Smack in the middle of the holidays. With little or no time to review, incomplete documents posted on the District site and the Library; the District is racing to certify the FEIR and release the RFP for Contractors at their next regular school board meeting in 3 days time on January 9, 2019.

What is clear to me is that District staff has no interest in hearing the concerns of Hermosa Beach residents and/or city staff as to the impact this project will have on the entire City and the children they say they are "helping with a new school".

This is not how it's done in Hermosa Beach! Transparency, facts and public input has always been the foundation that creates workability in this small one square mile city. At least that is how it's been in the past!

***Hermosa Beach School District Board Resolution #06:18/19 Exhibit A (scheduled for adoption on January 9, 2019)***

CEQA Findings of Facts: ***Areas of concern:***

1.The fact that there is currently only 290 3rd-4th grade students enrolled in Hermosa Beach School District and this school is being built for 510 students! What exactly is the purpose of building a school of this size on property that is half the size (2.4 acres) all other school properties(4.2) in the city of Hermosa Beach? How will this not over crowd this school?

(Page 1 of 80, last paragraph)

2. The Draft EIR was available for public comment from Thanksgiving 2017 through New Year's Day 2018. This was the busiest time for most people with family and friends and certainly seriously impacted their ability to review.

(Page 2 of 80, *B. Environmental Review Process*)

3.The final EIR (FEIR) was supposed to be made available December 28, 2018 until January 7, 2019, for review. It should be noted that at the time of writing this letter; the

complete FEIR is still not posted on the District website .....only the FEIR (containing only responses to comments made on the DEIR) was posted on the District website and at the Library on December 28, 2018. When the missing DEIR (Vols 1 & 2) and Recirculated DEIR that the FEIR continuously references was brought to Superintendent Escalante's attention she begrudgingly posted Volume 1 of the DEIR on the District website on January 4, 2019. Volume 2 and the Recirculated DEIR is still not posted as of January 6 making it impossible to review the FEIR. It should also be noted that the only document that was available at the Library on Friday January 4 for review was the FEIR which only contains responses to comments received on DEIR in 2017. Consequently; it was impossible to review the FEIR. Where is the transparency due the residents of Hermosa Beach?

(Page 2 of 80 , Environmental Review Process)

4. Scenic views that will be lost due to the increased height of the new proposed school were not studied from areas that will be impacted for example, Hermosa View Drive, El Oeste Drive and Gould Terrace who currently have views (including public views) that will be effected by this project.

(Page 4 of 80, Scenic Vistas)

5. Residents on the North side of 26th street will be impacted by the new multi purpose building forever; losing property value as they will now look onto a two story 34,000 square foot building which will block light and natural fresh air currents from/to their homes forever.

According to FEIR....."DEIR Section 5.1 analyzes visual impacts to scenic vistas and corridors, determines if the project would degrade the character and quality of the site and surrounding area, and analyzes if the project would create glare and light that could affect views in the area." What the DEIR DOES NOT analyze is the impact to air flow currents and availability of natural light that the "Replacement of the three 1-story buildings on 25th Street with one 2-story, 32-foot tall building" will have on the existing single family residences on the north and southside of this new 2-story building?

(Page 6 of 80, "Scenic Corridors Impact 5.1-2" bottom of the page)

6. "Since the project site is developed and does not contain any sensitive species or habitat, its proposed redevelopment would not contribute to potential cumulative effects to the region's biological resources".

What the DEIR failed to acknowledge is that the proposed North School will destroy and pave over ***the last open space sand dune*** in the city of Hermosa Beach.

(Page 11 of 80, Biological Resources, Impact 5.3-2-5.3-4.)

7. The proposed 1,250 new car trips into this neighborhood on small residential streets may create dangerous conditions for children attempting to commute to school.

(Page 29,10 Impact 5/2-2)

8. "*The school's designated pedestrian loading is proposed curbside fronting 25th Street*". No on-site drop off for students attending North School. All children will be dropped off on Myrtle Avenue or on 25th Street.

(Page 32 of 80, Daily Operations)

9. *"These types of events may require additional law enforcement, and similar to existing conditions – when needed for larger events – the District will coordinate with and pay for HBPD staff to provide security services".*

Lack of additional parking for special events will result in parking overflow in the neighborhood requiring additional law enforcement provide security.

(Page 32 of 80, Special events)

10. Traffic studies were based on faulty information (eg traffic counts taken on a Sunday by unnamed/unqualified personnel).

( Page 33 of 80, Projected-Generated Traffic) (see attached letter)

11. Existing year (2017) two years out of date.

(Page 34 of 80)

12. Construction Trips, 55 per day (2,000 total: "a conservative estimate" that will use Morningside Drive as site access. "Construction staging would be in the eastern portion of the project site, with direct access from the driveway at 26th Street and Morningside Drive. The main construction entry point would be via the driveway on 26th Street at Morningside Drive. Based on the City's designated truck routes, including Pacific Coast Highway and Artesia Avenue (which is the continuation of Gould Avenue east of PCH), most construction vehicles would access the project site from the intersection at Morningside Drive and Gould/27th Avenue."

Yet in the FEIR (Page 2-117 & 118) *"District Staff determined on-site loading/off-loading of children was not an option because of:*

- *Tight turning-circle at the egress on 26th Street, due to the street's narrow width.*
- *Increased queueing at the ingress driveway on 25th Street due to potential conflicts with vehicles accessing parking stalls, accessing the loading area, as well as caused by vehicles having difficulties exiting on 26th Street.*
- *Increased queueing on 25th Street, near the driveway, that might disrupt traffic flow on 25th Street.*
- *Increased traffic-pedestrian conflicts for pedestrians coming from west of the school and crossing the busy school driveway on 25th Street.*

(page 35, Construction page 53, Noise)

13. Many streets leading to the North School site do not have sidewalks children will be forced into the street to get to school.

(page 36, Pedestrian and Bicycle Facilities)

14. There is an oral report from longtime and current Hermosa resident Bill Schneider who found Gabrieleno/Tongva tribe artifacts i.e. pottery and arrow heads in the area of North School and Valley Park.

(page 38 of 80, Tribal Cultural Resources, Impact 5.13-1 and page 50 of 80, Cultural Resources)

15. *Mitigation measures regarding the increased traffic to the new school are not under the purview of the District. Who is responsible for the mitigation's planned by the district for the city of Hermosa Beach?*

(page 58, transportation and Traffic Impact 5.12-1b)

16. Peak analysis traffic counts at intersections for example, at Valley Drive/Gould Avenue were done before the Skechers and Strand & Pier projects were approved. Also it is reported that the traffic studies were conducted on Sunday. (see attached)

(page 59, Intersections)

17. Request to widen intersection, one of the mitigating options with a traffic light would cost the city over \$500,000.

(page 60, Traffic Signalization Mitigating Option)

18. The peak traffic impacts the intersection of Valley/Gould will remain significant and avoidable. Especially since many of the traffic counts were done on a Sunday. How can these number she used for this project. See attached pages.

(page 61, Traffic Control officers Mitigating Option)

19. *"Proposed changes to the parking in the North School neighborhood are all on city/public streets. With recommendations by the district to have the city of Hermosa Beach consider restricting 26 parking spaces with an additional 17 spaces to be designated passenger loading only. For a total of 43 residential parking places. "* Where will these residents park after these changes are made? Are the residents aware of this as a part of this proposed school plan by the district to change public parking in their neighborhood?

(Page 64 of 80, Modified Parking Restriction Mitigating Option)

20. *"The widths of the streets near the project site are narrow and cannot readily accommodate both directions of traffic flow, particularly when vehicles are parked on both sides of the street. Vehicular circulation to and from the school site would be constrained during peak arrival and departure times at the beginning and ending of each school session as parents drop off and pick up students. The narrow streets would be an inconvenience for motorists and surrounding residences and would result in reduced vehicle speeds. Field observations made by the traffic engineer indicate that there are sufficient pull-out opportunities for vehicles traveling in opposite directions to pass when one of the drivers pulls over to an open curb (where no vehicles are parked) or a driveway to allow oncoming vehicles to pass. Due to site constraints, including narrow roadways and an awkwardly shaped property, the District has designed the school's main passenger **loading zone on 25th Street.** "*

**No on site drop off for young students.**

(Page 67 of 80, Operation: Narrow street Widths)

21. Pages 68-69 are a large red flag. Parents will not be comfortable allowing their 7-8 year old children to ride bicycles to and from North school. The majority of these mitigation measures depend on the City of Hermosa Beach agreeing and paying for all of the districts requests. Changes in parking, converting streets to one-way, creating signage and in the end students will be dropped off on these same streets.

22. There has been no response to the request by the city manager of Hermosa Beach to create an onsite drop off for these young children. In fact it appears the EIR Consultant has merely dismissed this request because "District staff do not feel it will work".

(page 71, Passenger loading)

Pages 72-76 are all mitigation measures that the district plans to "work on some time in the future with City staff".

The City of Hermosa Beach is liable for the safety of children arriving to and from school property until a student crosses onto school property when their safety becomes the district's responsibility. Having ensured an onsite parking lot for 41 District staff cars to accommodate teachers and staff, while dictating that the city restrict or eliminate onstreet parking for 43 residents vehicles; it appears that the district has no intention of shouldering any of the responsibility for the safety of its own student population or the parking needs of their neighbors.

In its current design there is no on site drop off for its own students. **CONCERN FOR THE SAFETY OF THE CHILDREN SHOULD BE EVERYONE'S NUMBER ONE PRIORITY ESPECIALLY THE SHOOOL DISTRICT.** If the District's Architect for this proposed North School project cannot find a way to ensure onsite drop-off (as has been requested by both residents and the city of Hermosa Beach on numerous occasions) what chance will there ever be? Before the District races to certify this FEIR.....pay attention and heed the wise advice given by our current City Manager when she pleaded that all District proposed traffic mitigation measures should be addressed in meetings with residents **BEFORE** the EIR is certified.

All liability with respect to the safety of North School children as they attempt to reach the school grounds will be on the City of Hermosa Beach if this project is allowed to go forward without changes to the current plan. The district is planning on certifying North School FEIR and circulating the RFP for Contractors on Wednesday, January 9, 2019 at 7pm.

Who can parents sue in the future when God forbid a child is injured or killed, AALR (who originally contracted with Placeworks/Richard Garland) to prepare the North School EIR or the School District's new Attorney "The Terry Tao Firm" who is named as Certificate Holder on Placework's Liability Insurance Certificate? After 27 years Mr Tao has decided to leave AALRR (the firm he was a Partner in) a month before an EIR that he spearheaded with AALRR for the largest project (paid for with residents tax dollars) in the history of Hermosa Beach is about to be certified by Hermosa Beach School

District?!?! I really want to know who will be held responsible for this North School EIR.....AALRR or Mr Tao who's new office address is a UPS store in La Habra?

Too many unanswered questions and areas of concern to warrant going forward with this faulty EIR!

And to think, all this could have been avoided if the school district and the City of Hermosa Beach had honored the MOU (Exhibit B of the School Board Resolution of Intent to Sell PAS adopted by the School Board in 1977) which required the reopening of Pier Avenue as a school, when enrollment increased to 1,266 as it did in 2010. Tom Bakaly (ex-City Manager) and elected officials of Hermosa Beach who should represent all the residents could not work together to find a solution to share the facilities a promise made to the residents but not upheld by the current council or school board. This decision will cost Hermosa Beach tax payers \$130 million dollars over the life of the current school bond.

One can only imagine how these millions of dollars could be spent to build/repair our joint use facilities an idea that is encouraged by the State of California and the CDE. Pier Avenue School or currently known as the Community Center on can envision a new city library being built with these monies. Upgrades to the theater, gymnasium and other facilities shared with the community and the students of Hermosa Beach. There are also matching funds available from the state when joint use is a factor.

But, the biggest cost of all will be if one student does not arrive to North School or home one day because of the failed "traffic mitigation measures" proposed for this school prepared without acknowledging the problems before the EIR is certified. To build a school that is which is far too big 200 students than enrolled in the city in a small residential neighborhood without adequate streets for access. All built on a foundation of little or no integrity by the current Hermosa Beach City school district.

Sincerely,  
Chris Miller

Attached:  
Resolution\_061819\_Exhibit A  
Letter from Hermosa Beach City manager to Hermosa Beach School district with highlights of concerns not addressed  
Letter from Miyo Prassas

**CEQA FINDINGS OF FACT  
REGARDING THE  
FINAL ENVIRONMENTAL IMPACT REPORT  
FOR THE  
HERMOSA BEACH CITY SCHOOL DISTRICT  
NORTH SCHOOL RECONSTRUCTION PROJECT  
STATE CLEARINGHOUSE NO. 2017021031**

**I. BACKGROUND**

The California Environmental Quality Act (CEQA) requires that a number of written findings be made by the lead agency in connection with certification of an environmental impact report (EIR) prior to approval of the project, pursuant to Sections 15091 and 15093 of the CEQA Guidelines and Section 21081 of the Public Resources Code. This document provides the findings required by CEQA and adopted by the Board of Trustees of the Hermosa Beach City School District (District) in Resolution No. 06:18/19.

**A. Project Summary**

**Project Location**

The project is at 417 25th Street in Hermosa Beach, Los Angeles County, California. The property is known as the North School site.

**Project Description**

The proposed project is the reconstruction of the North School site for its reuse as a public school. The project entails demolition and removal of existing structures and vegetation onsite, extending the development footprint eastward over a vegetated slope, and constructing new school facilities. The proposed improvements would be funded by Measure S, which was approved by the District's constituents in June 2016.

The proposed improvements include construction of a two-story classroom and administration building (main building), multipurpose building, loading and parking areas, play areas, and associated school improvements. The school would have a maximum enrollment capacity of 510 students. An asphalt playground would be developed between the two buildings, and a natural turf field would be installed in the eastern portion of the site; the field would be supported above the grade of the hillside by a retaining wall. A surface parking lot with 41 stalls would be developed in the western portion of the site, and vehicular access to the site would be provided from 25th and 26th Streets.



The proposed school would accommodate the District's third- and fourth-grade students. Hermosa View Elementary School program would shift from grades K-3 to K-2. Hermosa Valley School would shift from grades 4-8 to 5-8.

## **B. Environmental Review Process**

In conformance with CEQA, the State CEQA Guidelines, the District conducted an extensive environmental review of the proposed project.

- The District determined that an EIR would be required for the proposed project and issued a Notice of Preparation (NOP) and Initial Study on February 10, 2017. The public review period extended from February 10, 2017 to March 13, 2017.
- The District prepared a DEIR, which was made available for a 45-day public review period beginning November 13, 2017, and ending January 2, 2018.
- In accordance with Section 15088.5 of the CEQA Guidelines, the District recirculated the DEIR because significant new information was added to the analysis after the first DEIR public review period. The recirculated DEIR was made available for a 45-day public review period beginning August 3, 2018, to September 17, 2018.
- The District prepared a Final EIR (FEIR), including the Responses to Comments to the DEIR, which contain comments on the original and recirculated DEIR, responses to those comments, and revisions to the DEIR made available on December 27, 2018.

## **C. Record Of Proceedings**

For purposes of CEQA and these Findings, the Record of Proceedings for the proposed project consists of the following documents and other evidence, at a minimum:

- The NOP and all other public notices issued by the District in conjunction with the proposed project
- The DEIR for the proposed project
- The recirculated DEIR for the proposed project
- The FEIR for the proposed project
- The reports and technical memoranda included or referenced in the EIR
- All written comments submitted by agencies or members of the public during the public review comment period on the DEIR and the recirculated DEIR
- All responses to written comments submitted by agencies or members of the public during the public review comment period on the DEIR and the recirculated DEIR

- All written and verbal public testimony presented during a noticed public hearing for the proposed project and comments received after the close of the comment period and responses thereto
- The Mitigation Monitoring and Reporting Program
- All documents, studies, EIRs, or other materials incorporated by reference in the DEIR and FEIR
- The Resolutions adopted by the District in connection with the proposed project, and all exhibits and documents incorporated by reference therein, including comments received after the close of the comment period and responses thereto
- Matters of common knowledge to the District, including but not limited to federal, state, and local laws and regulations
- Any documents expressly cited in these Findings
- Any other relevant materials required to be in the record of proceedings by Public Resources Code Section 21167.6(e)

#### **D. Custodian and Location Of Records**

The documents and other materials that constitute the administrative record for the District's actions related to the project on which these findings are based are maintained at the Hermosa Beach City School District Office, 1645 Valley Drive, Hermosa Beach, California, 90254. The Hermosa Beach City School District Business Manager is the custodian of the administrative record for the project. Copies of these documents, which constitute the record of proceedings, are and at all relevant times have been and will be available upon request at the front desk at the Hermosa Beach City School District Office. This information is provided in compliance with Public Resources Code Section 21081.6(a)(2) and Guidelines Section 15091(e).

## **II. FINDINGS AND FACTS REGARDING IMPACTS**

### **A. Impacts Determined to Have No Impact**

#### **Initial Study**

An Initial Study was prepared by the District to identify the potential significant effects of the project. The Initial Study was completed and distributed with the Notice of Preparation for the proposed project, dated February 10, 2017, and is included in the Draft EIR as Appendix A. The Initial Study determined that the proposed project would not result in impacts to the following resources:

- Agriculture and Forestry Resources
- Mineral Resources

- Population and Housing
- Recreation

All other topical areas of evaluation included in the Environmental Checklist were determined to require further assessment in the Draft EIR.

## **B. Impacts Determined to Be Less Than Significant**

This section identifies impacts of the proposed project which the Draft EIR determined to be less than significant without implementation of project-specific mitigation measures.

### **1. Aesthetics**

**Impact 5.1-1:** The proposed project would not substantially alter public views of scenic vistas or scenic corridors.

#### **Scenic Vistas**

Due to its dense development and varying topography, there are limited expansive scenic views of City-designated visual features. The only visual resource that can be observed at and near the project site is the Pacific Ocean. Figure 5.1-3, *Scenic Corridors and Viewpoints*, page 5.1-13 of the Draft EIR, shows the City-designated uninterrupted viewing areas of the beach and directional public viewpoints of City-designated visual features toward the ocean and the Santa Monica Bay and mountains. In addition to the City-designated viewpoints, other public viewpoints close to the project site are along 27th Street, 26th Street, and 25th Street. The views from these locations are of the ocean. Figure 5.1-4, *Scenic Features from Public Viewpoints*, page 5.1-15 of the Draft EIR, shows the views of the ocean from these public viewing areas. There are no other views of City visual features nearby the project site.

- **27th Street.** Views of the ocean are available on 27th Street west of Morningside Drive. There are no views of the ocean on the segment of Gould Avenue just east of Morningside Drive and adjacent to the park. Due to the intervening residential structures between the project site and 27th Street, project implementation would not block public views of the ocean from this public viewpoint.
- **26th Street.** The ocean can be seen along the entire stretch of 26th Street fronting the project site. This area would be developed with the new multipurpose building in the northeast portion and the school's surface parking lot on the northwest. Although the proposed building would be 28 feet tall, it would not obstruct views of the ocean. The area immediately east of the building would be the school's new playground area, and the remaining District-owned property of vegetated hillside and grass field, which is downhill from the project site and does not provide any views of the ocean. Therefore, project implementation would not block public views of the ocean on 26th Street.
- **25th Street.** Along the school's frontage, views of the ocean are available starting near the southwest corner of the existing school building. As the proposed two-story school building on

25th Street would be constructed within the general footprint of the existing structures and would be eastward of the area where views of the ocean become visible, project development would not obstruct public views of the ocean on 25th Street.

### Scenic Corridors

Scenic corridors provide visually appealing views of man-made and/or natural features. Figure 5.1-3 shows designated scenic corridors near the project site that have been identified in various City documents. They include Ardmore Avenue and Valley Drive, approximately 800 feet and 650 feet east of the site, respectively; Pacific Coast Highway (PCH), 0.5 mile farther east; and Hermosa Avenue, 0.1 mile west. Due to the distance, topography, and intervening development between the project site and PCH and Hermosa Avenue, no views of the project site are available from these two roadways, and project implementation would not change views of these corridors or affect their scenic qualities.

Ardmore Avenue and Valley Drive, however, are closer to the project site. The easternmost portion of the District-owned property (i.e., vegetated hillside and grass field next to Valley Park)—not including the project site—is within the corridor's viewshed.

- Ardmore Avenue in the vicinity of Valley Park is at a slightly higher elevation than Valley Drive. Westward views include the Hermosa Valley Greenbelt and building rooftops; eastward views are of residences. Due to the topography and vegetation within the greenbelt, most of the views of the project site, if any, are limited. Therefore, project implementation would not be easily discernable, and any visual affects to the quality of this corridor would be less than significant.
- Valley Drive provides eastward views of the Hermosa Valley Greenbelt and westward views of Valley Park, existing community buildings on Valley Drive within the park, and residences. Most of Valley Park is below the elevation of Valley Drive. Due to the lower topography of the park, views of the park are mostly of thick canopies of ornamental trees along its perimeter. Views of the project site are mostly obstructed by the trees' canopies, community buildings, and homes. Therefore, project implementation would not significantly affect the scenic qualities of Valley Drive.

Project implementation would alter the visual characteristics of the eastern boundary of the site by replacing the existing school building with open playground space, and a black wire fence would replace the existing metal chain-link fence along the eastern perimeter. Removal of the existing building would expand westward views from areas east of the project site. As discussed, and shown in Figure 5.1-5, *Views from Ardmore Avenue and Valley Drive*, page 5.1-17 of the Draft EIR, the proposed improvements would not be easily observed from these designated scenic corridors, and the project's impact on the corridors would be less than significant.

**Impact 5.1-2:** The proposed project would alter the visual appearance of the site but would not substantially degrade its character or quality or that of the surrounding area.

Project implementation would alter the existing appearance of the project site both during and after construction. Construction activities include the demolition and removal of all improvements,

vegetation, and debris on the property. Until the start of building construction, the site would be vacant with exposed soil, without structures and vegetation. A chain-link fence with a tarp would be installed around the project site boundaries to limit views into the construction worksite. Construction staging would be set up in the eastern portion of the site, closest to the designated vehicle access point at the intersection of Morningside Drive and 26th Street. The fence and tarp would appear similar to those at neighboring residential construction sites and would remain on the property until construction of the proposed new campus is completed. The fence and tarp would reduce views of the worksite, which could be in disarray.

After construction, the appearance of the project site would be enhanced with new, modern school facilities (see Figure 4-2, *Visual Simulations, Main Building*, page 4-5 of the Draft EIR) designed in a modern coastal architecture style, similar to the more recently renovated residences near the project site. The exterior walls of the new buildings would include a combination of stucco and horizontal lap-siding materials, large windows, and both flat and sloped metal-seam roofs. Figure 5.1-6, *North School Rendering*, page 5.1-21 of the Draft EIR, shows a 3D rendering of the proposed design.

As viewed from the adjacent streets, the most noticeable visual changes would be:

- Construction of a new multipurpose building in the northeast corner of the project site. The existing black asphalt surface parking lot with perimeter chain-link fencing would be replaced with a 28-foot-tall building. Figure 5.1-7, *View of 26th Street at Morningside Drive*, page 5.1-23 of the Draft EIR, provides side-by-side views of the existing parking lot and a rendering of the proposed multipurpose building.

The multipurpose building would not have a second floor, the interior would have a high-ceiling, and the building's roofline would be at a similar height as residential structures on 26th Street. The existing driveway at Morningside Drive would remain for emergency vehicle access onto the site, and a new 6-foot-high, ornamental black wire gate would be installed. The multipurpose building would also be set back from 26th Street at a distance similar to the residences on the south side of the street. Trees and shrubs would be planted in front of the new building, next to the sidewalk.

As shown in Figure 5.1-7, the proposed improvements would not substantially degrade the visual character or quality of the project site or that of the surrounding residences.

- Conversion of the asphalt-covered playground in the western end of the site to a surface parking lot. The existing building in this area would be demolished and replaced with new asphalt for use as a parking lot. The existing grade separation of this area from Myrtle Avenue and 26th Street would remain, and the existing 6-foot-tall chain-link fence would be replaced with a 4-foot-high black cable rail fence with dense vegetation. As shown in Figure 5.1-8, *View of Myrtle Avenue and 26th Street*, page 5.1-25 of the Draft EIR, the proposed conversion of the playground space into a parking lot would not substantially degrade the visual character or quality of the western portion of the site or that of the surrounding residences.
- Replacement of the three 1-story buildings on 25th Street with one 2-story, 32-foot tall building within the buildings' general footprints. The new building would follow the curvature of the

segment of 25th Street that it fronts. The center of the building would be angled, and the dimensions of the eastern and western wing frames would be symmetrical. Although the building would generally have block massing, the fold in the center, varied exterior building materials, extended roofline, and shade awnings over the windows on the second floor—see Figure 4-2, of the Draft EIR—would give the building façade texture and minimize its bulkiness.

The building would also be set back from 25th Street, at a distance similar to the existing buildings' footprints, which is farther from the street than residences on the north side of 25th Street, east and west of the school. The curb and sidewalk would be pulled in towards the lawn to create a new vehicle loading lane. A slightly smaller grass lawn with trees would be installed.

As shown in Figure 5.1-9, *View from 25th Street*, page 5.1-29 of the Draft EIR, the improvements would alter the visual appearance of the site. However, they would not substantially degrade the visual character or quality of this area.

As discussed above and shown in Figures 5.1-7 through 5.1-9, project implementation would alter the appearance of the site. However, the architectural design and height of the proposed buildings would be similar to and compatible with the surrounding residences. The proposed buildings' setback from the adjoining roadways and varied architectural features help break up the buildings' mass, so that they are compatible in scale as the surrounding developments. The proposed features would reduce the buildings' appearance as bulky, overbearing, and/or out-of-place. They would be architecturally interesting, compatible with the overall visual characteristics of the surrounding coastal neighborhood.

**Impact 5.1-4:** The proposed structures would not create prolonged periods of shade and shadow at a public gathering area.

The proposed main school and multipurpose buildings would be approximately 32 feet and 28 feet tall, respectively. Both buildings would cause shade and shadow effects. The project site is surrounded by residential uses to the north, west, and south. Valley Park is to the east.

Due to the movement of the sun in the northern hemisphere, the buildings would cast westward shadows in the morning, west-northward at noon, and north-eastward in the afternoon. Figure 5.1-10, *Shadows, Winter Solstice*, page 5.1-33 of the Draft EIR, and Figure 5.1-11, *Shadows, Summer Solstice*, page 5.1-35 of the Draft EIR, are diagrams of the shadows that would be cast by the proposed building during the winter solstice (around December 22), when the sun's path is lowest in the sky, and the summer solstice (around June 21). As illustrated in the figures, the shading effects would be greatest during winter, and there would be limited shading effects during the summer months.

Under the worst-case scenario at the winter solstice, the shading caused by the project's structures would not intrude into Valley Park (see Figure 5.1-12, *Shadow Impacts on Massing*, page 5.1-37 of the Draft EIR). However, due to the dense nature of the surrounding development, the proposed structures would cast shadows on some of the residential properties to the north. The southern face of the residential structures immediately north of the multipurpose building on the north side of 26th Street would be slightly shaded in the morning. The southern end of the residential properties on the south side of 26th Street would be shaded by the main school building until noon. The main school building would cast a shadow on the southern walls of the two residential structures closest to the

main school building. Since these buildings are taller than the proposed school building, their rooftops would not be shaded by the school building. The backyard of the property on the south side of 26th Street closest to the multipurpose building would be shaded in the morning, but the shadow would be gone by noon.

### **Cumulative Impact**

The geographic context for the analysis of cumulative aesthetics and visual resources impacts includes developments in Hermosa Beach and South Bay communities. The proposed project's impacts are mostly localized—that is, the buildings are not substantially taller or wider in mass than others surrounding the project site and in the City. Alone and/or combined with proposed developments in the area, the proposed structures would not substantially alter public views of scenic vistas or scenic corridors or create shadow effects on open space areas. The stationary lighting proposed would be similar to the existing surrounding uses. Exterior lighting would have motion sensors, and no high-intensity exterior field lighting would be installed. Therefore, nighttime lighting at the project site would be limited, and the project would not significantly contribute to regional nighttime illumination.

**Finding:** The District finds, based on the Final EIR, and the whole of the record, that the proposed Project will result in less than significant impacts and less than cumulatively considerable impacts associated with adverse effects on scenic vistas, degrading the existing visual character or quality of the site and surroundings, or exposing people on- or off-site to substantial light or glare.

### **Air Quality**

**Impact 5.2-1:** Construction activities associated with implementation of the proposed project would not generate short-term emissions that exceed the South Coast Air Quality Management District's regional construction thresholds.

Construction activities produce combustion emissions from various sources, such as onsite heavy-duty construction vehicles, vehicles hauling materials to and from the site, and motor vehicles transporting the construction crew. Site preparation activities produce fugitive dust emissions (PM<sub>10</sub> and PM<sub>2.5</sub>) from grading and excavation and from demolition. Air pollutant emissions from construction activities onsite would vary daily as construction activity levels change.

Construction activities for the proposed project would temporarily increase PM<sub>10</sub>, PM<sub>2.5</sub>, VOC, NO<sub>x</sub>, SO<sub>2</sub>, and CO regional emissions in the SoCAB. Activities would include demolition, grading, utility trenching, school facilities construction, architectural coating, and asphalt paving. Construction emissions were estimated using CalEEMod 2016.3.1 based on the project's preliminary construction schedule, phasing, and equipment list provided by the District. The construction schedule and equipment mix are based on preliminary engineering and subject to changes during final design and as dictated by field conditions. Estimates of maximum daily construction emissions are provided in Table 5.2-10, *Maximum Daily Regional Construction Emissions*, page 5.2-21 of the Draft EIR. As shown in the table, air pollutant emissions from construction-related activities would be less than their respective SCAQMD regional significance threshold values.

**Impact 5.2-2:** Long-term criteria air pollutant emissions associated with the proposed project would not exceed the South Coast Air Quality Management District's regional operational significance thresholds.

Buildout of the proposed project would result in criteria air pollutant emissions from area sources (e.g., fuel use for landscaping and lawn maintenance, aerosols, and architectural coatings); energy use (natural gas) associated with the proposed school facilities; and project-related vehicle trips. The proposed project would generate 1,250 average daily trips during a weekday, which is a net increase of 100 additional average daily trips from existing conditions. Criteria air pollutant emissions were modeled using CalEEMod. Table 5.2-11, *Net Increase in Maximum Daily Regional Operational Emissions*, page 5.2-22 of the Draft EIR, identifies criteria air pollutant emissions from operation of the proposed project. Project-related long-term air pollutant emissions would not exceed SCAQMD's regional significance thresholds; therefore, the proposed project would result in less than significant impacts.

**Impact 5.2-3:** The proposed project would not expose sensitive receptors to substantial pollutant concentrations.

The proposed project could expose sensitive receptors to elevated pollutant concentrations if it would cause or contribute significantly to elevated pollutant concentration levels. Unlike regional emissions, localized emissions are typically evaluated in terms of air concentration rather than mass so they can be more readily correlated to potential health effects.

### **Construction LSTs**

Localized significance thresholds (LSTs) are based on the California AAQS, which are the most stringent AAQS that have been established to provide a margin of safety in the protection of public health and welfare. They are designated to protect sensitive receptors most susceptible to further respiratory distress, such as asthmatics, the elderly, very young children, people already weakened by other disease or illness, and people engaged in strenuous work or exercise. Construction LSTs are based on the size of the project site, distance to the nearest sensitive receptor, and Source Receptor Area. The nearest sensitive receptors to the project site are the residential land uses that protrude into the site on 26th Street and at the corner of Myrtle Avenue and 25th Street.

Air pollutant emissions generated by construction activities are anticipated to cause increases in air pollutant concentrations. Table 5.2-12, *Localized Construction Emissions*, page 5.2-24 of the Draft EIR, compares the maximum daily construction emissions (pounds per day) onsite with the SCAQMD's LSTs and shows that construction activities would not exceed the LSTs.

### **Operation LSTs**

Operation of the proposed project would not generate substantial emissions from onsite, stationary sources. The proposed school facilities would be constructed to be Zero Net Energy (ZNE) buildings. Operation of the proposed project would entail the occasional use of landscaping equipment for project site maintenance, but air pollutant emissions generated from these activities would be below the SCAQMD LST thresholds, as shown in Table 5.2-13, *Localized Operation Emissions*, page 5.2-25 of the Draft EIR.



### **Carbon Monoxide Hotspots**

Under existing and future vehicle emission rates, a project would have to increase traffic volumes at a single intersection by more than 44,000 vehicles per hour—or 24,000 vehicles per hour where vertical and/or horizontal mixing is substantially limited—in order to generate a significant CO impact. Trip generation for the proposed project would be significantly less than these volumes—i.e., up to 1,250 average daily trips. Furthermore, the SoCAB is designated as attainment under both the National and California AAQS for CO. The project would not have the potential to substantially increase CO hotspots at intersections in the vicinity of the project site.

### **Health Risk Assessment**

Construction activities would result in short-term emissions of diesel PM, which is a TAC. The exhaust of off-road heavy-duty diesel equipment would emit DPM during site preparation, grading, and other construction activities.

The proposed project would be developed in approximately 14 months, which is less than the 30-year exposure period for DPM or risk accumulated over a 70-year lifetime and would limit the exposure of onsite and offsite receptors. SCAQMD uses the construction LST analysis as an indicator of potential health risk. As shown in Table 5.2-12, construction activities would not exceed LST significance thresholds. For these reasons, construction emissions are not anticipated to pose a threat to onsite and offsite receptors. Additionally, operation of the proposed project would not involve the operation of significant sources of TACs, and therefore a health risk assessment is not warranted.

### **Cumulative Impact**

In accordance with SCAQMD's methodology, any project that produces a significant project-level regional air quality impact in an area that is in nonattainment contributes to the cumulative impact. Cumulative projects in the local area include new development and general growth in the area. The greatest source of emissions in the SoCAB is mobile sources. Due to the extent of the area potentially impacted by cumulative project emissions (i.e., the SoCAB), SCAQMD considers a project cumulatively significant when project-related emissions exceed the SCAQMD regional emissions thresholds shown in Table 5.2-5, page 5.2-17 of Draft EIR.

The SoCAB is designated nonattainment for O<sub>3</sub> and PM<sub>2.5</sub> under the California and National AAQS, and nonattainment for PM<sub>10</sub> under the California AAQS (CARB 2016b).<sup>7</sup> Construction of cumulative projects would further degrade the regional and local air quality. However, implementation of SCAQMD regulations and mitigation for related projects would reduce cumulative impacts. Construction of the project would not result in emissions in excess of the SCAQMD regional emissions thresholds.

For operational air quality emissions, any project that does not exceed or can be mitigated to less than the daily regional threshold values is not considered by SCAQMD to be a substantial source of air pollution and does not add significantly to a cumulative impact. Operation of the project would not result in emissions in excess of the SCAQMD regional emissions thresholds. No significant cumulative impacts were identified with regard to CO hotspots.

In consideration of the preceding factors, the project's contribution to cumulative air quality impacts would be less than significant, and project impacts would not be cumulatively considerable.

**Finding:** The District finds, based on the Final EIR, and the whole of the record, that the proposed Project will result in less than significant impacts and less than cumulatively considerable impacts associated with the exposure of sensitive receptors to substantial carbon monoxide pollutant concentrations, toxic air contaminant concentrations during Project construction and operation, and exposure of a substantial number of people to objectionable odors during construction and operations.

### **Biological Resources**

**Impact 5.3-2:** Implementation of the proposed project would not cause the loss of or impact to riparian habitat, sensitive natural communities, and federally protected wetlands.

According to the biological resources assessment, the site is void of wetland vegetation, drainages, bed and bank, soils, and other features indicative of the presence of jurisdictional wetlands. No features were observed that would be considered jurisdictional by the Corps, CDFW, and RWQCB. Additionally, the site does not support any drainage features or ephemeral wetland vegetation as defined by Section 404 of the CWA.

**Impact 5.3-3:** The proposed project would not affect any wildlife corridors.

The project site is in an urbanized residential community and is not within or adjacent to a designated local or regional wildlife corridor or environmental preserve area. Although the project site is near Valley Park and the Hermosa Greenbelt, both of these areas are highly disturbed from frequent human activity.

**Impact 5.3-4:** The proposed project would not conflict with local policies and ordinances protecting biological resources.

Project implementation would not require the removal of any trees within the public right-of-way, which are protected by Chapter 12.36 of the Hermosa Beach Municipal Code. All trees proposed for removal are within District property and not within the public right-of-way. Additionally, the proposed project would increase the amount of useable green space on the project site with the creation of a natural-turf field, which would be available for community use via the Civic Center Act.

**Impact 5.3-5:** The proposed project would not conflict with adopted habitat conservation plans.

The project site is in the City of Hermosa Beach, which is not within a local or regional habitat conservation plan, natural community conservation plan, or other related habitat or wildlife conservation plan. Additionally, there are no Significant Ecological Areas designated by Los Angeles County on or near the site.

### **Cumulative Impact**

The geographic context for the cumulative impact analysis on biological resources includes Hermosa Beach and the surrounding South Bay cities, such as Manhattan Beach and Redondo Beach, that

share similar coastal biological resources. Since the project site is developed and does not contain any sensitive species or habitat, its proposed redevelopment would not contribute to potential cumulative effects to the region's biological resources. The project's potential impact to nesting migratory birds is localized and will be fully mitigated with the implementation of Mitigation Measure BIO-1. Therefore, project impacts to biological resources would not be cumulatively considerable.

***Finding:*** The District finds, based on the Final EIR, and the whole of the record, that the proposed Project will result in less than significant impacts and less than cumulatively considerable impacts associated with loss or impacts to riparian habitat, sensitive natural communities, and federally protected wetlands; wildlife corridors; local policies and ordinances protecting biological resources.

### **Cultural Resources**

**Impact 5.4-1:** Development of the project would not impact historic resources.

A resource is considered “historically significant” if the resource meets the criteria for listing on the California Register of Historical Resources (PRC Section 5024.1, 14 CCR Section 4852). CEQA identifies a historic resource as a property that is listed on—or eligible for listing on—the NRHP, CRHR, or local registers. NRHP-listed properties are automatically included on the CRHR. The criteria for both are similar and described below. The NRHP criterion letter (A, B, C, and D) is followed by the corresponding CRHR number (1, 2, 3, and 4).

- A/1 Is associated with events that have made a significant contribution to the broad patterns of our history; or
- B/2 Is associated with the lives of persons significant in our past; or
- C/3 Embodies the distinctive characteristics of a type, period, or method of construction or that represents the work of a master, or that possess high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction; or
- D/4 Yields, or may be likely to yield, information important to prehistory or history.

#### **Historic Resource Determination**

##### **Main Building—1924/1934**

The Main Building of North School has retained the levels of integrity of location and setting necessary to convey it as an elementary school building in Hermosa Beach. However, due to the reconstruction of the building in 1934 after the Long Beach earthquake, the main North School building lost the majority of the Neo-Classical architectural elements and features of design, materials, workmanship, and feeling that would have conveyed the building's original appearance and its association with Hermosa Beach of the mid-1920s.

##### *Criterion A/1*

The North School Main building is not individually eligible for listing the National Register or California Register under Criterion A/1 for its association with significant events or trends because it was constructed after Ocean View School (1904) and Pier Avenue School (1911), to address the

growing student population in the City; and North School did not make a significant contribution to the education of children during its existence above what would be expected of a neighborhood elementary school.

*Criterion B/2*

The Main building is not eligible for listing under Criterion B/2, based on the property's direct association with the lives of persons important to the history of Hermosa Beach, Los Angeles County, California, or the nation. None of the educators at North School were of historical importance or developed innovative methods of education while employed at North School. No evidence was found to support that persons important to the history of Hermosa Beach were influenced by North School during the productive or innovative periods of their lives.

*Criterion C/3*

The Main building is not individually eligible for listing in the National Register or California Register under Criterion C/3 as an example of Art Deco Moderne style school architecture. The Main building was originally constructed in a Neo-Classical style of architecture, and the exterior facades were replaced with a layer of gunite and steel webbing wall system. The original Neo-Classical architectural design was lost in the earthquake repairs, and the retrofitted walls incorporate a slight reference to Art Deco or Moderne style. Additionally, the Main building was not designed in a collaborative manner by an architect and school district. The Main building was repaired as quickly and cost-effectively as possible, as does not appear as though it was reconstructed in an attempt to create a state-of-the-art educational facility of the mid-1930s. The Main building does not possess the architectural attributes to have been an influence on the work of subsequent school designers in California or the United States. Additionally, the building does not appear to be an important example of Art Deco/Moderne architecture on a local, state, or national level.

*Criterion D/4*

The Main building of North School does not appear to have the capacity to yield information important to the history of education in Hermosa Beach, Los Angeles County, or California; therefore, the building would not appear to be individually eligible for listing in the National Register or California Register under Criterion D/4.

**Kindergarten and Classroom Buildings—1939**

The two buildings constructed in 1939 were financed from funds from a federal program signed into law by President Franklin D. Roosevelt in 1933 and were part of his "New Deal" platform. Both the Public Works Administration (PWA) and the Works Progress Administration (WPA) Program were responsible for investing over \$540 million for the erection of new school buildings and extension/additions and repairs to existing schools around the United States.

*Criterion A/1*

The buildings do not appear eligible for listing in the National Register or California Register individually or collectively under Criterion A/1. Although the PWA program was an important aspect of Roosevelt's New Deal administration, an association of historic events is not enough to qualify the buildings as significantly historic. According to the HRAR, the two 1939 buildings have

not been found to have been significant in the history of grammar school education in the United States, California, or Hermosa Beach.

*Criterion B/2*

The two 1939 buildings do not appear to be eligible for listing based on direct association with the lives of persons important to the history of Hermosa Beach, Los Angeles County, California, or the nation. The research conducted for the HRAR did not determine that any educators of importance taught in the 1939 kindergarten and classroom buildings, and no direct links between persons important to the history of Hermosa Beach during their productive life were found.

*Criterion C/3*

The 1939 buildings do not appear eligible individually or collectively for listing in the National or California Register under Criterion C/3 as examples of early (pre–World War II) International-style architecture, which, according to the HRAR, appears to be out of character with its immediate beach bungalow surroundings. The International style may have been chosen for the new North School buildings because of its minimalist exterior, which would help reduce the cost of the buildings' construction. Although the 1939 Kindergarten building presents some conservative design features, the 1939 classroom building is a utilitarian structure almost devoid of style. The buildings do not appear to possess the necessary architectural attributes to have influenced subsequent architects' work in California or the United States, and the buildings do not appear to be important examples of this style of architecture in the City of Hermosa Beach, California, or the nation.

*Criterion D/4*

Neither of the 1939 buildings appear to have the capacity to yield information important to the history of Hermosa Beach, Los Angeles County, or beach-front communities, and neither appear eligible individually or collectively for listing in the National Register or California Register under Criterion D/4.

**Classroom and Kindergarten Buildings—1958**

*Criterion A/1*

The two buildings constructed in 1958 do not appear eligible individually or collectively for their association with events that have made a significant contribution to the broad pattern of history in Hermosa Beach or Los Angeles County or to the cultural heritage of the United States. Neither building is associated with any events important to the history of the education of children outside of their primary goal of providing an enclosed space for the instruction and activities of grammar school children.

*Criterion B/2*

Neither of the 1958 buildings has any direct association with the lives of persons important to the history of Hermosa Beach, Los Angeles County, California, or the United States. No evidence was found indicating that the buildings meet the guidelines to be listed individually or collectively in the National or California Register under Criterion B/2.

*Criterion C/3*

The two 1958 buildings do not appear eligible for listing in the National or California Registers as examples of classroom buildings constructed in 1958 and designed in the Contemporary style of architecture. The buildings are not significant examples of school-building architecture in California or the United States, nor have they been found to be important examples of work of the architectural firm KWW. The 1958 buildings do not appear individually or collectively eligible for listing in the National Register or California Register under Criterion C/3.

*Criterion D/4*

The two 1958 buildings have not yielded, nor do they appear to have the potential to yield, important information about the history of the local area, California, or the United States. The buildings do not appear to be individually or collectively eligible for listing in the National Register or the California Register under Criterion D/4.

**Historic District**

The project site contains five structures that were constructed between 1924 and 1958. The five buildings do not represent a cohesive set of buildings united by an intentional campus plan or architectural theme, which is a requirement to form a historic building district. While they share the same function of educational facilities, the architectural styles of the buildings represent three different periods of modern architecture. The original North School building was rehabilitated with an Art Deco/Moderne-influenced façade covering the original 1924 Neo-Classical brick façade. The two 1939 buildings were constructed in the International style, and the two 1958 buildings in the Contemporary style. The five buildings do not present any architectural elements that visually link or associate them into a single campus unit.

**Cumulative Impact**

Based on the HRAR, the project site and built structures are not historically significant, nor are they a part of a historic district. Project implementation would not result in an individual project impact and/or contribute to a potentially significant cumulative effect to historical resources.

Additionally, based on reviews of record searches and observations of the developed urban nature of the project site and surrounding area during site visits, it does not appear that subsurface cultural resources would be discovered. However, archaeological and paleontological resources are typically isolated. Project implementation would require mitigation measures to minimize impacts related to any accidental discoveries during ground-disturbing activities. As with the proposed project, related development would be required to comply with CEQA Guidelines Section 15064.5, which requires the lead agency to determine if discovered resources are unique or historically significant, and if so, to treat them in accordance with the provisions of PRC Section 21083.2. Therefore, the proposed project's contribution to cumulatively impact subsurface cultural resources would not be considerable and impacts would be less than significant.

***Finding:*** The District finds, based on the Final EIR, and the whole of the record, that the proposed Project will result in less than significant impacts and less than cumulatively considerable impacts associated with historic resources.

## **Geology and Soils**

**Impact 5.5-1:** Occupants and structures on the project site would experience seismic ground-shaking, but would not be subject to significant risk from such an event.

The CBC provides the appropriate building design criteria needed to protect the structural integrity of structures and infrastructure against damage and collapse. A geotechnical report was prepared, by a California Registered Civil Engineer and Certified Engineering Geologist, and recommendations of the report have been incorporated into the design and construction of the proposed North School project.

Seismic design criteria and requirements in the CBC require structures and infrastructure to withstand seismic ground shaking and reduce hazards to persons and property. The CBC also requires that the recommendations of the geotechnical report, prepared by registered professionals (i.e., registered civil engineer or certified engineering geologist), be incorporated into the design and construction of the project. Compliance with the recommendations and structural design would ensure that the proposed project would not expose people or structures to potential substantial adverse effects from ground-shaking hazards.

**Impact 5.5-3:** Project development would not cause substantial soil erosion or loss of topsoil.

Construction would result in the demolition and removal of existing development and landscaping, and expose soil susceptible to erosion, especially during heavy rains. However, once constructed, all exposed grounds would be restored and covered with vegetation, and potential soil erosion and loss of topsoil would be limited.

Project development would require grading and the removal of approximately 1,000 cubic yards of topsoil to accommodate building foundations and structural footings. Since the proposed project would affect an area greater than one acre, the project would be required to obtain a Construction General Permit under the NPDES Program that would require the preparation of and adherence to a project-specific SWPPP. The SWPPP would include a strategy for construction activities to comply with stormwater regulations to minimize sediment and other pollutants in stormwater runoff, as well as BMPs to control erosion and sediment loss, runoff, and contain sediment transport within the project site that would limit soil erosion and the loss of topsoil from the site. Section 5.8, *Hydrology and Water Quality*, of the Draft EIR, includes additional information on the project's SWPPP.

## **Cumulative Impact**

Impacts relating to soils and geologic influences are site specific and usually cannot be considered in cumulative terms, such as in the case of the proposed North School Reconstruction project. Mitigation of geologic, seismic, and soil impacts of development projects are specific to the site. The proposed project and other new development projects in the City of Hermosa Beach are required to comply with applicable federal, state, and local requirements, including CBC standards and the NPDES program. Each project's geologic and soil impacts would be reduced to a less than significant level on an individual basis and would not be cumulatively additive. Therefore, the proposed project would not significantly contribute to cumulatively considerable geological and soil impacts.

**Finding:** The District finds, based on the Final EIR, and the whole of the record, that the proposed Project will result in less than significant impacts and less than cumulatively considerable impacts associated with seismic ground-shaking, and topsoil loss and soil erosion.

### **Greenhouse Gas Emissions**

**Impact 5.6-1:** Development of the proposed project would not result in a substantial increase of GHG emissions that would exceed the South Coast Air Quality Management District's significance criteria.

Global climate change is not confined to a particular project area and is generally accepted as the consequence of global industrialization over the last 200 years. A typical project, even a very large one, does not generate enough greenhouse gas emissions on its own to influence global climate change significantly; hence, the issue of global climate change is, by definition, a cumulative environmental impact.

The proposed project would generate GHG emissions from vehicle trips generated by the project, energy use (indirectly from purchased electricity use and directly through fuel consumed for building heating), area sources (e.g., equipment used on-site, consumer products, coatings), water/wastewater generation, and waste disposal. Annual GHG emissions were calculated for construction and operation of the project. Total construction emissions were amortized over 30 years and included in the emissions inventory to account for the short-term GHG emissions from the construction phase of the project. Table 5.6-6, *Project-Related GHG Emissions*, page 5.6-22 of the Draft EIR, shows that the proposed project at buildout would generate a net of 439 MTCO<sub>2e</sub> emissions per year. The total net increase of GHG emissions on-site from the project would not exceed the SCAQMD's bright-line threshold of 3,000 MTCO<sub>2e</sub>.

**Impact 5.6-2:** The proposed project would not conflict with the California Air Resources Board's Scoping Plan or the Southern California Association of Governments' 2016-2040 Regional Transportation Plan / Sustainable Communities Strategy.

Applicable plans adopted for the purpose of reducing GHG emissions include CARB's Scoping Plan and SCAG's 2016-2040 RTP/SCS. A consistency analysis with these plans is presented below.

#### **CARB Scoping Plan**

In accordance with AB 32, CARB developed the 2008 Scoping Plan to outline the state's strategy established by AB 32, which is to return to the State's GHG emissions inventory to 1990 levels by year 2020. The CARB Scoping Plan is applicable to state agencies and is not directly applicable to cities/counties and individual projects. Nonetheless, the Scoping Plan has been the primary tool that is used to develop performance-based and efficiency-based CEQA criteria and GHG reduction targets for climate action planning efforts.

The 2017 Climate Change Scoping Plan Update has adoption hearings planned for June 2017, and provides the strategies for the state to meet the 2030 GHG reduction target as established under SB 32.



The project GHG emissions shown in Table 5.6-5, page 5.6-18 of the Draft EIR, include reductions associated with statewide strategies that have been adopted since AB 32 and SB 32. The proposed project would comply with these statewide GHG emissions reduction measures. In addition, the proposed school facilities would be constructed to be Zero Net Energy (ZNE) buildings. However, the Scoping Plan itself is not directly applicable to the proposed project. Therefore, the proposed project would not obstruct implementation of the CARB Scoping Plan, and impacts would be less than significant.

**SCAG's 2016-2040 Regional Transportation Plan/Sustainable Communities Strategy**

SCAG's 2016-2040 RTP/SCS was adopted April 7, 2016, and identifies:

- Multimodal transportation investments: bus rapid transit, light rail transit, heavy rail transit, commuter rail, and high-speed rail
- Active transportation strategies: e.g., bike ways and sidewalks
- Transportation demand management strategies
- Transportation systems management
- Highway and arterial improvements: interchange improvements, high-occupancy vehicle lanes, high-occupancy toll lanes
- Goods movement strategies
- Aviation and airport ground access improvements
- Operations and maintenance to the existing multimodal transportation system

The overarching strategies in the 2016 RTP/SCS are to 1) allow the southern California region to grow in more compact communities in existing urban areas; 2) provide neighborhoods with efficient and plentiful public transit and abundant and safe opportunities to walk, bike, and pursue other forms of active transportation; and 3) preserve more of the region's remaining natural lands. The 2016 RTP/SCS contains transportation projects to help more efficiently distribute population, housing, and employment growth, as well as a forecast development that is generally consistent with regional-level general plan data. The projected regional development pattern—when integrated with the proposed regional transportation network identified in the RTP/SCS—would reduce per capita vehicular travel-related GHG emissions and achieve the GHG reduction per capita targets for the SCAG region. The RTP/SCS does not require that local general plans, specific plans, or zoning be consistent with the RTP/SCS, but provides incentives for consistency for governments and developers. The proposed project would not interfere with implementation of the CARB Scoping Plan or SCAG's ability to implement the regional strategies outlined in the 2016 – 2040 RTP/SCS.

**Cumulative Impact**

Project-related GHG emissions are not confined to a particular project area or air basin but are dispersed worldwide. Therefore, impacts under Impact 5.6-1 are not project-specific impacts, but the proposed project's contribution to the cumulative impact of global warming. Implementation of the proposed project would result in a nominal increase in GHG emissions. Thus, the proposed project's GHG emissions and contribution to global climate change impacts are not considered cumulatively considerable, and therefore are less than significant.

***Finding:*** The District finds, based on the Final EIR, and the whole of the record, that the proposed Project will result in less than significant impacts and less than cumulatively considerable impacts associated with greenhouse gas emissions and conflicts with applicable GHG reductions plans, policies, and regulations.

### **Hazards and Hazardous Materials**

**Impact 5.7.1:** The project site contains no recognized environmental conditions, and pesticides and lead concentrations found on the site do not pose a hazardous risk. Demolition of site building materials, however, could accidentally release lead and asbestos-containing materials into the environment.

#### **Recognized Environmental Conditions**

The site consisted of a number of parcels that have been consolidated over the years. Based on the Phase I ESA, the northwest corner of the project site at Myrtle Avenue and 26th Street had building structures (e.g., church and residences) that have been demolished; prior to their development, the northwest corner of the site was in its natural condition. The remainder of the project site was also in its native condition prior to the current school-related improvements. Other than the current school use and former structures, the project site has not been used for other purposes. There is no indication that the site had been used for agricultural purposes or was a former hazardous waste disposal site or solid waste disposal site. Additionally, based on the Phase I ESA, the surrounding areas have always been residential and park. Accordingly, there is no indication that the site contains recognized environmental conditions.

#### **Soil Hazards: Pesticides and Lead**

Although no RECs were identified in the Phase I ESA, based on knowledge of likely practices at school sites throughout the state and due to the ages of the project site's buildings – in an abundance of caution – the District conducted soil sampling around the existing buildings to determine if the historic use of pesticides – i.e., OCPs – over the years has contaminated soils, and if so, whether the level is within acceptable standards. The District also sampled for lead in the soil as it is likely that building materials older than 1978 contained lead.

Soil samples were collected at 17 locations on the project site.

#### *Pesticides*

Twenty OCP compounds were analyzed, and the following four compounds were detected at 0.5 feet bgs:

- 4,4'- DDD: dichlorodiphenyldichloroethane
- 4,4'- DDE: dichlorodiphenyldichloroethylene
- 4,4'- DDT: dichlorodiphenyltrichloroethane
- Chlordane

Although detected, concentrations for 4,4'- DDD and 4,4'- DDT were below approved screening levels. Notwithstanding, a Human Health Screening Evaluation was completed following approved DTSC guidance and using the maximum concentrations of the four compounds. A health risk assessment concluded that the estimated hazard index for the pesticides is below the benchmark level for noncancer effects and within the DTSC and EPA risk management ranges.

#### *Lead*

Lead was detected in all 17 sampled locations. Two samples collected at 0.5 feet bgs had concentrations greater than the DTSC human health screening value of 80 milligram per kilogram (mg/kg) for lead. Using the DTSC-approved 95 percent upper confidence limit (UCL), the lead concentration for the site is 53.1 mg/kg. As the 95 percent UCL value for lead is below the screening value, the report concluded that lead is below the established level of concern.

#### **Lead-Based Paint**

Due to the ages of the buildings and the result of soil samples conducted, it is assumed that all coated surfaces (paint, varnish, or glazed) contain lead. Therefore, all lead-containing material abatement/removal work will be required to comply with applicable federal, state, and local requirements, including EPA, US Occupational Safety and Health Administration, and SCAQMD regulations. Lead must be contained during demolition activities (California Health & Safety Code Sections 17920.10 and 105255). Title 29 CFR Part 1926 establishes standards for occupational health and environmental controls for lead exposure. The standard also includes requirements addressing exposure assessment, methods of compliance, respiratory protection, protective clothing and equipment, hygiene facilities and practices, medical surveillance, medical removal protection, employee information and training, signs, recordkeeping, and observation or monitoring.

#### **Asbestos**

Evaluation for ACM included building interiors and “as encountered” on the exterior of the facilities; it did not include all potential ACM on the exterior of the buildings. According to the study, ACM were identified within the surfacing material (plaster in kitchen storage heater room) and the 12-inch vinyl floor tile and associated mastics in the restrooms of two classrooms. Project-related demolition activities would have the potential to expose construction workers and/or the public to ACMs not already identified. Prior to the demolition of the school facilities, the District will a complete comprehensive report to determine all ACM within the interior and the exterior of the campus to ensure potential exposure to ACM is limited. ACM identified would be removed, contained, and disposed of in accordance with applicable regulations.

**Impact 5.7-2:** The project site is not on a list of hazardous materials sites.

California Government Code Section 65962.5 requires that the Department of Toxic Substances Control compile and update at least annually a list of all of the following:

- (1) All hazardous waste facilities subject to corrective action pursuant to Section 25187.5 of the Health and Safety Code.
- (2) All land designated as hazardous waste property or border zone property pursuant to former Article 11 (commencing with Section 25220) of Chapter 6.5 of Division 20 of the Health and Safety Code.
- (3) All information received by the Department of Toxic Substances Control pursuant to Section 25242 of the Health and Safety Code on hazardous waste disposals on public land.
- (4) All sites listed pursuant to Section 25356 of the Health and Safety Code. (California Government Code Section 65962.5[a])

The Phase I ESA included a search of regulatory agency databases for documented environmental concerns on the project site and in close proximity to the site. As shown on in Table 5.7-1, page 5.7-8 of the Draft EIR, the project site is not listed within the search radii for the following databases:

- Federal NPL Sites
- Federal Delisted NPL Sites
- CERCLIS Sites
- CERCLIS-NFRAP Sites
- Federal ERNS
- RCRA non-CORRACTS TSD Facilities
- RCRA CORRACTS Facilities
- RCRA Generators
- Federal Institutional/Engineering Control Registry
- State and Tribal Equivalent NPL Sites
- State and Tribal Registered Storage Tanks
- State and Tribal Institutional Controls/Engineering Control
- State and Tribal Voluntary Cleanup Sites
- State and Tribal Brownfield Sites
- HAZNET

Although the project site was not identified on any of the above databases, other sites nearby were:

- State and Tribal Equivalent CERCLIS Sites identified a site approximately 0.6 mile southeast of the project site at Hermosa Valley School that received approval from DTSC in June 2005.
- State and Tribal Landfills and Solid Waste Disposal Sites identified a potentially hazardous landfill site within 0.5 mile of the project site. However, it was determined by the Chief Engineer

at CalRecycle that the listed site was never a landfill and is not an environmental issue for the project site.

- State and Tribal Leaking Storage Tanks identified four sites within 0.5 mile of the project site. All of the sites were given a “Case Closed” designation. Additionally, due to the distance from the project site, expected groundwater direction, substances involved, and/or regulatory status, these facilities would not present an environmental issue at the project site.
- Orphan Site List identified one site as being potentially in the area and was not mapped due to incomplete address information. Based on a review of the facility name, Mobile Refinery Manhattan Beach, the facility does not appear to be in close proximity to the project site; it is also possible that the database was referring to the Torrance Exxon Mobil Refinery, approximately four miles to the southeast of the site.

**Impact 5.7-3:** Other than natural gas pipelines, the project site does not contain any other pipelines that carry hazardous substances or waste to the site.

The Southern California Gas Company provides natural gas to the project site and surrounding uses, and operates pipelines under the surrounding streets. Two-inch diameter gas lines in 26th Street, Myrtle Avenue, and Morningside Drive, and a four-inch diameter line in 25th Street supply natural gas to the project site and surrounding residences. Implementation of the proposed project would require the removal of all existing gas lines in the project site and reconnection of the lines to the newly installed improvements. The affected supply lines would be turned off for a short duration during connection of the new lines, which is typical of new development and would not create a hazardous situation for the users of the project site and surrounding community. There are no other hazardous liquid or gas pipelines on or surrounding the project site.

**Impact 5.7-4:** The project site is not within 500 feet of a freeway or busy traffic corridor.

The boundary of the project site is not within 500 feet of the edge of a freeway or busy traffic corridor. In urban areas, freeways and busy traffic corridors are defined as roadways that on an average day have traffic in excess of 100,000 vehicles or 100,000 average daily trips (ADT) (PRC Section 21151.8[b][9]).

The project site is surrounded by residential uses. Streets within 500 feet of the project site are designated as either local roads or collector streets. The busiest segment closest to the project site—Gould Avenue between Ardmore Avenue and PCH, approximately 770 feet east of the project site—has a design capacity of 22,000 vehicles and an operating traffic volume of 13,256 ADT. PCH and I-405 are approximately 0.4 mile and 6.5 miles east of the site, respectively. PCH has a design capacity of 44,000 vehicles and an operating traffic volume of 51,437 ADT.

### **Cumulative Impact**

The area considered for cumulative impacts from hazards and hazardous materials is the adjacent properties in Hermosa Beach. Past, existing, and planned developments in the City could pose risks to public health and safety as they relate to the use, storage, handling, generation, transport, and disposal of hazardous materials and wastes. The proposed project and other development in the

project vicinity could increase these risks if they are not remediated and/or managed properly in accordance with applicable regulations. Compliance with applicable regulations related to public health and safety and hazardous materials would ensure that impacts are reduced to a less than significant level, individually and cumulatively.

Other projects in the City of Hermosa Beach would require assessments for hazardous materials, such as assessments of structures onsite (over certain ages) for LBP, ACM, and other contamination from past uses and/or releases. Cleanup of hazardous materials in soil, soil vapor, and/or groundwater to regulatory cleanup levels for the relevant types of land uses would be required in compliance with applicable federal, state, and regional regulations, as listed in Section 5.7.5, page 5.7-16 of the Draft EIR. Therefore, the use, storage, transport, and disposal of hazardous materials by construction and operation of other projects would result in site-specific impacts and would be reduced to a less than significant level. Combined with the proposed project, impacts would not be cumulatively considerable.

**Finding:** The District finds, based on the Final EIR, and the whole of the record, that the proposed Project will result in less than significant impacts and less than cumulatively considerable impacts associated with hazardous materials onsite, pipelines carrying hazardous substances, and being located within 500 feet of freeway or busy traffic corridors.

## **Hydrology and Water Quality**

**Impact 5.8-1:** The project would not substantially alter the drainage pattern of the site, substantially increase the rate or amount of surface runoff, or exceed the capacity of any storm drain system.

### **Proposed Drainage Facilities**

The project would demolish the existing facilities and renovate the project site with new drainage facilities. The surface of the site would be regraded and engineered to direct stormwater to three drainage facilities onsite: a three-foot-wide swale along the interior of the retaining wall on the eastern perimeter of the site; two planter boxes fronting the main building; and storm drain inlets installed around the site—two on the western portion of the parking lot, two in front of and behind the main building, and four near the corners of the asphalt play area. Figure 5.8-1, *Conceptual Grading and Drainage*, page 5.8-13 of the Draft EIR, shows the proposed areas for the drainage improvements. The proposed drainage facilities would be designed to capture and retain the 85th percentile 24-hour SWQDv and only volumes in excess would be discharged into the MS4.

Stormwater captured by the swale and inlets would be carried via new storm drain lines installed beneath the site to a retention system in a tank underneath the proposed parking area with a SWQDv of 3,564 cubic feet. The proposed box planters, with SWQDvs of 234 and 208 cubic feet, would treat stormwater prior to discharging onto 25th Street via underground drains. The project storm drain system would continue to discharge stormwater at the same offsite locations as existing conditions and would not change the existing offsite drainage system. The surrounding area is entirely developed, and the project would not alter any natural drainage channels or watercourse.

## **Construction**

The potential erosion and siltation impacts would occur during the construction phase of the project. During construction, the existing structures would be demolished and the site would be cleared for grading, which would expose and loosen soil, making it susceptible to wind and water erosion. If not controlled, the transport of these materials to local waterways would temporarily increase suspended sediment concentrations and release pollutants attached to sediment particles into local waterways. Prior to construction activities, a SWPPP would be prepared and submitted to the SWRCB for approval, consistent with the Municipal NPDES permit and the City's Stormwater Management and Discharge and Control Ordinance. The SWPPP would include the BMPs to be implemented during construction to ensure that erosion or siltation impacts are reduced to a less than significant level. SWPPP include debris basins, silt fences, and stabilized construction entrance/exit driveways. Runoff from these areas will flow into the storm drainage system designed for the project. Therefore, erosion potential during operation of the proposed project is less than significant.

### **Operation**

Regrading and engineering the site would alter stormwater drainage flows from existing conditions, and the proposed improvements would accommodate stormwater with new drainage and treatment facilities. The project would result in the construction of an approximately 17,100-square-foot parking lot with 46 spaces on the western side of the site. Therefore, according to Chapter 8.44 of the municipal code, the project would be considered a significant redevelopment project, and the District would be required to implement stormwater treatment measures in compliance with the Municipal NPDES permit, including infiltration measures.

### ***Stormwater Design Requirements***

The Municipal NPDES permit would require the proposed storm drainage system to convey the peak flow rate from the design storm (from which the SWQDv is calculated), which is defined as the greater of:

- The 0.75-inch, 24-hour rain event, or
- The 85th percentile, 24-hour rain event as determined from the Los Angeles County 85th percentile precipitation isohyetal map.

According to Section 8.44.020(G) of the municipal code, the largest 85th percentile 24-hour storm event in Hermosa Beach would be 0.8 inch. Preliminary calculations indicate that the postdevelopment peak volume would result in a SWQDv of 3,564 cubic feet for the proposed infiltration tank and 234 and 208 cubic feet for the two proposed box planters, for a total SWQDv of 4,006 cubic feet for the improvements. The Los Angeles County HydroCalc calculator was used to determine if the LID strategies implemented onsite—including the installation of the underground infiltration detention tank and two pervious planter boxes—would effectively handle peak flow rates. According to the design storm calculations (see Appendix J of the Draft EIR), the proposed improvements would be adequately sized to capture and retain the runoff volume for the largest 85th percentile 24-hour storm event and would prevent flooding at the site; only volumes in excess of SWQDv would be discharged to the MS4.

### ***Stormwater Runoff***

Preliminary calculations were performed to determine the existing amount of treatment area and flow rate capture in cubic feet per second (cfs) compared to the proposed project. The results are

summarized in Table 5.8-1, *Existing vs. Proposed Runoff Volumes for 50-Year and 10-Year Storm Events*, page 5.8-12 of the Draft EIR. Project development would remove existing buildings and pavement, increasing the amount of pervious area onsite from 8,887 square feet to 32,919 square feet—about 3.7 times the area of the existing pervious surface. Through ground-cover absorption and percolation, the increase in pervious surfaces would reduce stormwater runoff. The stormwater runoff calculations show that the improvements would reduce the existing 50-year and 10-year peak runoff flow rates from 3.81 cfs to 2.34 cfs for a 10-year storm event, and from 5.50 cfs to 4.09 cfs for a 50-year storm event. Therefore, the increase in pervious surfaces and reduction in impervious surfaces would reduce the volume and rate of stormwater runoff, and the drainage improvements would be able to adequately capture stormwater on the project site. Figure 5.8-2, *Pre- and Postdevelopment Drainage Conditions*, page 5.8-15 of the Draft EIR, shows a comparison of existing and post-project site-drainage conditions.

### **Cumulative Impact**

Construction and operation of the proposed project, in conjunction with related projects in the Santa Monica Bay Watershed, would result in increased flows that would eventually discharge into the Pacific Ocean, and the Santa Monica Bay, specifically. Related projects are those in the Santa Monica Bay Watershed that would direct stormwater flows through streams, channels, and other waterways into the Pacific Ocean. These projects would comply with their respective SWPPP and the regulations for water quality standards established by the Beach Cities EWMP. The project would result in a net reduction in the site's volume of stormwater runoff, and the project would therefore not result in a significant impact on a cumulative basis.

Although the area around the project site is entirely built out, new projects in the area, both individually and cumulatively, could potentially increase the volume of stormwater runoff and contribute to pollutant loading in the storm drain system with eventual discharge to the Pacific Ocean. However, as with the proposed project, future projects in Hermosa Beach would be required to comply with drainage and grading regulations and ordinances in Chapter 8.44 of the Hermosa Beach Municipal Code, which control runoff and regulate water quality at each development site. New development and redevelopment projects would be required to demonstrate that stormwater volumes could be managed by conveyance facilities and would not induce flooding. New projects also would be required to comply with the City's standard conditions of approval, regulations, and ordinances regarding water quality and NPDES permitting requirements. In consideration of the preceding factors, including the project's beneficial impact to water quality, cumulative water quality impacts would be rendered less than considerable, and therefore, less than significant.

The proposed project would reduce stormwater runoff from existing conditions through a series of above- and below-ground features designed to accommodate a series of storm events, as required by Chapter 8.44 of the City's municipal code. Water quality of the stormwater runoff is addressed through application of low impact development provisions of the Municipal Code and the Los Angeles County LID Design Manual. Since the project would reduce stormwater runoff from the existing condition and improve the quality of any runoff, this impact is considered less than cumulatively considerable.



**Finding:** The District finds, based on the Final EIR, and the whole of the record, that the proposed Project will result in less than significant impacts and less than cumulatively considerable impacts associated with drainage patterns, surface runoff, and storm drainage system capacity.

## **Land Use and Planning**

**Impact 5.9-1:** Project implementation would not conflict with applicable plans adopted for the purpose of avoiding or mitigating an environmental effect.

### **City of Hermosa Beach PLAN Hermosa**

PLAN Hermosa was adopted on August 22, 2017, and is the effective General Plan for the City. Although PLAN Hermosa has been approved by City Council, it has not been certified by the CCC; therefore, the existing Local Coastal LCP is the effective regulatory document for development projects within the Coastal Zone. Portions of the site are designated as OS, according to the PLAN Hermosa Land Use Map; the remainder of the site is designated as Public Facility (PF).

The proposed OS land use designation allows for passive and active park, recreational, open space, and educational/institutional facilities land uses. The OS designation allows a floor-area-ratio (FAR) between 0.0 and 0.5. The PF land use designation, which allows for civic-related offices, community centers, operational facilities, and educational/institutional facilities land uses, allows for a FAR of between 0.1 and 1.0.

Since the proposed improvements would maintain the property as a public educational/institutional facility and would be within the allowable FAR,<sup>1</sup> the project would be consistent with PLAN Hermosa once it is certified by the California Coastal Commission. While the proposed PLAN Hermosa includes recommendations for update of the zoning code, no draft code has been prepared.

### **City of Hermosa Beach Municipal Code**

There are no zoning regulations established for Unclass-designated land other than to identify School District on the zoning map. As shown in the development standards of the OS zone, the requirements of the zone are inconsistent with the list of permitted uses. Because there is no provision for school development in either the Unclass or OS zone, and as allowed by California Government Code Section 53094, the District Governing Board of Education has exempted all Measure S school facility improvement projects, including those proposed at the project site, from the City of Hermosa Beach zoning and land use ordinances.<sup>2</sup>

### **City of Hermosa Beach Local Coastal Plan**

The Hermosa Beach Local Coastal Plan (LCP) designates the project site as Schools and Parks, but does not clearly delineate which portion of the site has which designation (see Figure 5.9-1, page 5.9-5 of the Draft EIR). The LCP also does not specify development standards for these land use designations. Therefore, the project's consistency review is based on requirements of Chapter 3,

---

<sup>1</sup> 38,000 square feet of school facilities/2.35-acre project site (102,366 square feet) = 0.37 FAR.

<sup>2</sup> Hermosa Beach City School District, Resolution 09:16/17, April 19, 2017.

Coastal Resources Planning and Management Policies, of the California Coastal Act (PRC § 30200 et seq.). Table 5.9-1, *Project Consistency with Coastal Resources Planning and Management Policies*, page 5.9-8 of the Draft EIR, lists the policies in Chapter 3 of the Coastal Act that are applicable to the proposed project and explains how the proposed project conforms to them.

The District is applying for a Coastal Development Permit (CDP) in conjunction with the preparation of this EIR. The CDP would be reviewed and considered by the CCC; its approval would verify compliance with the policies of Chapter 3 of the Coastal Act (PRC Code § 30000 et seq.). Therefore, with approval of the CDP, the proposed project would not conflict with the City of Hermosa Beach Local Coastal Plan or the policies of Chapter 3 of the Coastal Act.

**Impact 5.9-2:** The proposed project would not conflict with a habitat conservation plan, natural community conservation plan, or other related plan.

The project would result in the reconstruction of the North School on an already developed site. The project site is in the City of Hermosa Beach, which is not in a local or regional HCP, NCCP, or other related habitat or wildlife conservation plan.

### **Cumulative Impact**

Development of the proposed project, in conjunction with the related developments listed in Chapter 3 of this DEIR, would not result in citywide land use and planning impacts. The proposed project would be consistent with applicable state and local plans, and after construction, the project site would continue to be used as a school. Related projects would be reviewed by the City of Hermosa Beach and CCC; if a coastal development permit is required and until PLAN Hermosa is certified by the CCC, development would be required to be consistent with adopted state and city development standards, regulations, plans, and policies. Therefore, the proposed project combined with related projects would not result in cumulatively considerable impacts to land use and planning.

**Finding:** The District finds, based on the Final EIR, and the whole of the record, that the proposed Project will result in less than significant impacts and less than cumulatively considerable impacts associated with confliction of applicable plans, habitat conservation plans, and community conservation plans.

### **Noise**

**Impact 5.10-2:** Project implementation would not result in long-term operation-related noise that would exceed local standards.

To determine if a project would cause a substantial noise increase from project-related traffic, consideration must be given to the magnitude of the increase and the affected receptors. In general for community noise, a noise level increase of 3 dBA is considered barely perceptible, while an increase of 5 dBA is considered clearly noticeable. An increase of 3 dBA is often used as a threshold for a substantial increase.

The increase in daily vehicle trips due to the project would generate noise associated with additional vehicles traveling to and from the project site on local roadways. However, community noise

environments would not appreciably change as a result of project implementation. The project is estimated to generate a net increase of 217 trips during the AM peak hour and 24 trips during the PM peak hour; all traffic flows on nearby roadways are intermittent and do not exhibit continuous traffic flows. Implementation of the project would increase the numbers of trips on adjacent roads, but is not expected to notably change the daily traffic flow conditions; that is, traffic flows will continue to be intermittent. Therefore, any traffic noise increases on 25th Street would not be noticeable, and the individual pass-bys for each vehicle would be comparable to existing conditions. Project-generated traffic would be a negligible increase in comparison to traffic flows on larger nearby roadways, such as Gould Avenue (13,300 ADT) and Hermosa Avenue (8,400 ADT), and would result in noise level increases of less than 1 dB. Therefore, project-generated increases in traffic noise levels would be less than significant, and no mitigation measures are necessary.

### **Stationary-Source Noise**

Stationary noise sources would include vehicles idling during student drop-off and pick-up times, school buzzers or bells, landscaping equipment, outdoor activities, and heating, ventilation, and air conditioning (HVAC) units. The project would add new sources of stationary HVAC noise at the new buildings, but these would be comparable or quieter than other, similar sources at the existing site and would not result in notable changes to community noise environments on or near the site. For idling vehicles, school buzzers/bells, and landscaping activities, there would be no changes. Outdoor activities would be expanded, but would remain the same types of noise sources as the existing site, such as student and staff voices. Additionally, noise generated by outdoor activities would be similar to noise generated by the adjacent Valley Park. Therefore, no significant permanent stationary source noise increases would occur.

### **Cumulative Impact**

#### *Mobile-Source Noise*

The cumulative traffic noise levels would not increase by a noticeable amount (+3 dB) along the roadways analyzed. Further, there are no other, known future projects in the vicinity of the proposed school project that would add more vehicular flows on the pertinent roadways. Therefore, cumulative increases in traffic noise levels would not occur and impacts would be less than cumulatively considerable.

#### *Stationary-Source Noise*

Unlike transportation noise sources, whose effects can extend well beyond the limits of the project site, stationary-source noise generated by the project is limited to noise impacts to noise-sensitive receptors near the project site. Noise from operation of the project would not result in significant noise impacts to the residential uses in the vicinity. Further, there are no other known, future projects in the vicinity of the proposed school project that would add more stationary sources so as to notably contribute to the nearby receptors' community noise levels. Therefore, the proposed project would not result in individually and cumulatively considerable noise impacts.

#### *Construction Noise*

Like stationary-source noise, construction noise and vibration impacts are confined to a localized area of impact. Noise from construction activities would be temporary and would be less than significant after mitigation. Cumulative impacts would only occur if other projects were being constructed in the vicinity of the project at the same time as the project. There are no other, known future projects in the vicinity of the proposed school project that might add simultaneous construction activity noise (to the project's construction noise). Therefore, project construction noise impacts would not be cumulatively considerable.

***Finding:*** The District finds, based on the Final EIR, and the whole of the record, that the proposed Project will result in less than significant impacts and less than cumulatively considerable impacts associated with long-term operation-related noise.

## **Public Services**

**Impact 5.11-1:** The proposed project would introduce new structures and occupants on the project site, thereby increasing the demand for fire protection services; however, the site's expanded operations would not necessitate the construction of a new fire department facility.

### **Short-Term Construction Impacts**

During construction, the presence of heavy construction equipment and demolition of structures could create a potential short-term demand for fire protection services. Demolition of structures and construction of the improvements would comply with the requirements of the 2016 California Fire Code, including the CFC Chapter 33, Fire Safety During Construction and Demolition. Chapter 33 prescribes minimum safeguards to prevent fires and provide reasonable safety to life and property during construction and demolition.

Additionally, the construction staging area is proposed on the playfield area on the east side of the site. Construction and delivery vehicles would mostly enter the staging area from the driveway near the intersection of 26th Street and Morningside Drive, but may occasionally make deliveries to different areas around the site. Any street or lane closure required for construction would be temporary and would be coordinated with the City of Hermosa Beach. Moreover, construction-related traffic volumes would not result in significant traffic impacts, as discussed in Section 5.12 of the recirculated EIR, *Traffic and Transportation*. Therefore, implementation of the proposed project would not obstruct or impede response times for the fire department or result in traffic pattern changes to the area circulation system.

### **Long-Term Operational Impacts**

The project would change the emergency access onsite and would reconfigure the onsite structures, increasing the building area from approximately 28,900 square feet to 38,000 square feet. Project development would result in an increase in the student capacity of the onsite structures from 301 students between Children's Journey and the South Bay Adult School programs to a maximum of 510 students for the proposed reopened North School, for a total increase in capacity of 209 seats.

*Building Design and Emergency Access*

The design of the proposed improvements is within the purview of the Division of the State Architect (DSA), who will review and evaluate building plans for their compliance with state fire and building codes to minimize fire hazards. The new structures would be serviced by new electrical systems that would be safer and more efficient than the existing utility connections; they would also have improved fire protection features. The existing fire hydrants at the northwestern and northeastern sidewalk would remain, and the southeastern hydrant would be moved to accommodate the 25th Street curb improvements.

The site would be regraded to a continuous flat grade; site occupants and emergency responders would have unimpeded access between the buildings, parking area, and field area. Emergency vehicles would be able to access the site from the driveway on 25th Street and the driveway at the intersection of 26th Street and Morningside Drive (see Figure 5.11-1, *Fire Access Plan*, page 5.11-9 of the Draft EIR). The driveway on 26th Street would allow for a 20-foot-wide access lane with a 100-foot turnaround, north of the Main building. The improvements would improve emergency access at the site.

DSA will also require the local fire authority to review certain project elements in order to clarify local procedures for documenting acceptance of water flow for firefighting and building exposure protection (fire flow, fire hydrant locations, and distribution). Project development can occur only if DSA approves the project, which will be predicated on HBFD's review of the site's ingress/egress, fire flow, fire sprinkler systems, fire hydrants, driveway widths and turning radii, and emergency access plans, including to the second story of the main building. Compliance with established standards and DSA recommendations would minimize fire and life safety risks and facilitate emergency response and evacuation.

*Demand of Fire Protection Services*

Similar to the site's existing operations, operation of the proposed North School facilities would not involve the use, manufacturing, or storage of hazardous materials other than limited quantities of cleaning supplies, paints, solvents, etc., used for janitorial and maintenance purposes. Although the project would increase the operational capacity of the site, the students that would attend North School are currently enrolled at two nearby District schools; therefore, the project would not directly increase population in the HBFD service area. Additionally, the project site would maintain the site's existing educational use, and the new facilities would generate a similar volume and type of fire service calls that currently occur at the site. Demands for fire protection services for the proposed project would not substantially increase from what is currently experienced at the site.

*Emergency Response*

The HBFD currently provides adequate fire protection service by arriving at the incident location in an average response time of 5 minutes for emergency medical services and 7.3 minutes for fire, although the actual travel times are impacted by factors such as traffic, topography, road width, public events, and unspecified incident locations. Additionally, the automatic aid agreement with MBFD and Rbfd and the mutual aid agreement with Los Angeles County, Torrance, and El Segundo would address any deficiency of the HBFD for a given call to the project site. Considering that the project site is in an urbanized area with easy access to fire hydrants and streets, and is a short

distance (0.7 mile) from the nearest fire station with manageable traffic conditions, fire service would not be negatively affected. Moreover, the project site is already being served by HBFD. Although the number of students and building square footage would increase at the site, the proposed facility would be fully sprinklered with adequate fire flow and access in accordance with the latest CFC requirements, as checked by DSA and HBFD. The project would not substantially impact response times and would not necessitate the construction or expansion of fire facilities.

**Impact 5.11-2:** The proposed redeveloped site would expand site operations; however, the corresponding incremental increase in the demand for law enforcement would not warrant the development of a new or the expansion of the existing police facility.

### **Short-Term Construction Impacts**

Law enforcement will be required during project construction to address potential crimes and public complaints. Common crimes may include trespassing, theft, burglary, and vandalism; and complaints may include noise, dust, traffic, and construction hours. Law enforcement may be required to respond to serious injuries to workers, spills, fires, traffic control and criminal activity.

Construction of the proposed project would not be atypical. Although the project site is larger than most of the surrounding parcels, development of the proposed improvements would not be substantially different from other construction projects currently occurring nearby, and the need for law enforcement services during construction of the project would not be substantially different and/or greater than the other construction sites.

The District and its construction contractor will comply with applicable laws and regulations and will implement BMPs that would reduce the demand for law enforcement services. The construction site will have motion sensor security lights and cameras, which would decrease the likelihood of theft, burglary, trespass, and vandalism. The District will comply with air quality and water quality regulations, by implementing measures such as watering areas of exposed soil to reduce fugitive dust and installing soil erosion controls to reduce storm water run-off. Such practices would minimize offsite impacts. A construction worksite traffic control plan will be prepared, and a designated construction access point will be used to limit construction-traffic effects. Construction flaggers will be hired to control traffic, and all construction activities will comply with OSHA requirements, which will ensure worker safety and minimize work injuries.

Project approval would also require the District and its construction contractor to comply with Mitigation Measures N-1 and N-2, included in Section 5.10, *Noise*, of the Draft EIR. These mitigation measures establish procedures to address potential complaints during construction and will result in a reduction noise and vibration levels by requiring the contractor to conduct work during certain hours, operate and maintain construction equipment in accordance with the manufacturer's manuals, and to the extent feasible limit construction activities that are directly adjacent to residences.

### **Long-Term Operational Impacts**

Potential law enforcement needs during operation of the proposed elementary school may include calls concerning child abuse, student truancy, mental health issues, assaults, thefts, vandalism, custody

issues, and traffic related matters. Although the site has been operating with the South Bay Adult School and Children’s Journey Learning Center programs, operation of the proposed elementary school would incrementally increase the demand for law enforcement at and near the project site, as proposed operation would enroll more students than the combined enrollment of the existing uses. Notwithstanding, the proposed elementary school would maintain similar hours as the existing uses and the property would continue to operate as an educational facility. Therefore, the type of law enforcement services required for the proposed elementary school would not be substantially different from that of the current need.

**Daily Operations**

Increased traffic and pedestrian activities are inevitable at the start and end of the school day. However, similar to the District’s two other schools, the District will implement drop-off and pick-up procedures at the proposed North School campus to minimize potentially significant disruptions to the community. School site personnel and volunteers at the proposed North School campus will coordinate drop-off and pick-up activities.

The design of the proposed campus also takes into consideration the needs of student drop-off and loading activities. The proposed site plan identifies three entry points into the campus: in the southwest corner, near the administration building; in the northeast corner at the intersection of Morningside Drive and 26th Street; and in the southeast corner at the Morningside Drive cul-de-sac. The school’s designated pedestrian loading is proposed curbside fronting 25th Street. The proposed design shows the curb pulled into the school’s property so that stopped vehicles will be removed from the roadway thru-lane. Student/pedestrian loading activities may also occur on Gould Avenue and Valley Drive; vehicles could park next to Valley Park, and students may walk to the campus via the southern sidewalk on Gould Avenue, eastern sidewalk on Morningside Drive, and along an existing walkway on the southern perimeter of Valley Park from Valley Drive.

**Special Events**

The proposed reopened North School would hold nighttime events such as back-to-school night, open house, talent shows and other performances, and awards ceremonies. The school would also be available for community use through the Civic Center Act. These types of events may require additional law enforcement, and similar to existing conditions – when needed for larger events – the District will coordinate with and pay for HBPD staff to provide security services.

**Cumulative Impact**

The geographic area for cumulative analysis for fire and police protection services is the service area for the Hbfd and HBPD. The project is in a residential beach community, and the proposed project would not directly contribute to population growth because North School students would come from existing District schools. The site is already developed with school uses and would continue to operate as a school. Similar to the proposed project, related projects in Hermosa Beach would be constructed to meet CBC and CFC requirements, and each project would mitigate its impacts to fire and police protection services. The proposed project would not significantly contribute to cumulative impacts that would result in the need for new or expanded fire and police facilities.

**Finding:** The District finds, based on the Final EIR, and the whole of the record, that the proposed Project will result in less than significant impacts and less than cumulatively considerable impacts associated with fire and police services.

### **Transportation and Traffic**

**Impacts 5.12-1a:** The project would not conflict with an applicable plan, ordinance, or policy establishing measures of effectiveness for standard performance of the City of Hermosa Beach circulation system during the morning one-hour peak period.

### **School Operations**

#### **Project-Generated Traffic**

The trip generation rates and the anticipated volumes of traffic that would be generated by the project are shown in Table 5.12-3, page 5.12-15 of the recirculated EIR.

Although the trip generation rates and traffic volumes shown in the table are based on the number of students at the proposed school, the data represent the total number of vehicle trips generated by the site, including staff/faculty vehicles, drop-off/pick-up activities, visitors, and deliveries.

Table 5.12-3 also shows the volumes of traffic generated by the land uses that would be displaced by the proposed elementary school, which include a 210-student preschool and a 91-student “mommy and me” program operated by the adult school. The traffic counts taken for the peak one-hour analysis accounted for trips generated by these uses. Consequently, these traffic volumes were subtracted from those that would be generated by the proposed North School project to quantify the net increase in traffic as a result of the project. Traffic counts were also taken at the project site to determine if the trip generation rates from the manual were representative of the actual traffic volumes at the school.

Taking the existing uses into consideration, the project would generate a net increase of 217 trips during the morning peak hour (123 inbound and 94 outbound), 24 trips during the afternoon peak hour (6 inbound and 18 outbound), and 100 vehicle trips per day. It should be noted that the volumes of traffic that would be generated by the proposed project do not necessarily represent new traffic on the overall street network; instead the trips associated with the project represent traffic that would be redirected to the project site from Hermosa View School (for 3rd graders) and Hermosa Valley School (for 4th graders). However, for the traffic impact analysis, it has been assumed that the site-generated traffic represents new traffic.

#### **Trip Distribution and Assignment**

The trips generated by the proposed school were distributed onto the street network based on the anticipated geographical distribution of the students’ residences and the observed traffic patterns on the study area street network. Figure 4 in Appendix M-1, of the recirculated EIR, shows the assumed geographic distribution of project-generated traffic.



**Traffic Impact Analysis**

Traffic impacts of the proposed school were evaluated for 14 roadway intersections and 11 street segments under two baseline conditions: 2017 (Existing) and 2019 (Future). The 2019 year represents the target year of the school's initial operation.

*Roadway Intersections*

**Existing Year (2017)**

The existing intersection operations without and with project trips are summarized in Table 5.12-4, page 5.12-18 of the recirculated EIR. The table shows the existing traffic conditions, the traffic conditions with the addition of the proposed elementary school traffic, and the increase in delay values associated with the project. The final column indicates whether the intersection would be significantly impacted by the proposed school project according to the significance criteria in Section 5.12.2, *Thresholds of Significance*, page 5.12-13 of the recirculated EIR.

Table 5.12-4 indicates that 13 of the 14 intersections would continue to operate at acceptable levels of service (LOS A through C) when the school is operating. The intersection of Ardmore Avenue|Gould Avenue would continue to operate at LOS D for existing conditions and for the scenario with the proposed school. The total volume of traffic that would travel through the intersection would increase by 3 percent because of the project. However, this increase would be well below the significance threshold of 10 percent, and none of the study intersections would exceed the City's established significance threshold during the AM peak one hour.

**Opening Year (2019)**

Impact analysis for the opening year of 2019 requires forecasting the ambient traffic conditions for 2019 without project trips. Forecasting requires the addition of regional area growth to the 2017 conditions, including a regional area growth factor, per Metro, of 0.26 percent per year (which equates to a four-year growth factor of 1.04 percent) and anticipated traffic generated by future developments in the study area (See Table 3-2, *Related Cumulative Projects*, page 3-17 of the Draft EIR. Additional discussion on the 2019 baseline level is provided in the traffic study (Appendix M-1, of the recirculated EIR).

The comparative delay values and levels of service for the year 2019 are shown in Table 5.12-5, page 5.12-19 of the recirculated EIR. As shown, none of the study area intersections would be significantly impacted by the proposed school project during the morning peak hour. It should be noted that the LOS analysis summarized in Tables 5.12-4 and 5.12-5 is based on the peak hour traffic volumes, which is the typical approach for a traffic impact analysis. Because a school generally experiences intense traffic flow for approximately 15 or 20 minutes within the peak one-hour study interval, there would likely be short intervals at the beginning and ending of each school session when the levels of service would be worse than the values shown in the tables. This is typical of school operations and is not considered a significant impact if the peak one-hour period of traffic flow would be accommodated at an acceptable LOS and/or below the threshold of significance.

*Street Segments*

The results of the one-hour morning peak street segment impact analyses for existing 2017 conditions and future 2019 conditions are summarized in Table 5.12-6 and Table 5.12-7, pages 5.12-

20 and 5.12-21 of the recirculated EIR, respectively. The tables show the capacity value, the traffic volume (vehicles per hour), the V/C ratio, and the LOS for each study area street segment. As concluded in both tables, the proposed project's trips generated during the AM peak hour would not exceed the significance criteria on the study street segments under the existing 2017 and future 2019 conditions.

### **Construction**

The main construction entry point would be via the driveway on 26th Street at Morningside Drive. Based on the City's designated truck routes, including Pacific Coast Highway and Artesia Avenue (which is the continuation of Gould Avenue east of PCH), most construction vehicles would access the project site from the intersection at Morningside Drive and Gould/27th Avenue.

Table 5.12-8, *Construction Trips*, page 5.12-22 of the recirculated EIR, shows the anticipated daily vehicle trips based on the proposed construction schedule and activities. The number of trips is conservative and accounts for workers, vendors, and hauling, if required, throughout the construction workday between 8:00 AM and 6:00 PM, Monday through Friday, and 9:00 AM to 5:00 PM on Saturdays.

As shown in Table 5.12-8, the highest number of trips would occur during the building construction phase, with a maximum of 55 daily trips. This number is less than the number of average daily trips (or even AM peak hour trips) that would be generated by the proposed project (see Table 5.12-3). Since operational traffic impacts would not exceed established thresholds, and since construction trips would be fewer than operational trips, it is unlikely that construction traffic would exceed thresholds. Therefore, construction traffic impacts would be less than significant.

**Impact 5.12-2:** Project-related trips in combination with ambient traffic and trips from related developments would not exceed CMP performance standards during the AM one-hour peak period.

The closest CMP arterial route to the project site is Pacific Coast Highway (State Route 1), and the closest CMP intersection is Pacific Coast Highway at Artesia Boulevard (State Route 91), which is the continuation of Gould Avenue east of PCH.

The traffic study assumed that approximately 20 percent of the project-generated traffic would travel through this intersection, which is approximately 43 vehicles during the morning peak hour. As this is below the CMP threshold of 50 trips per hour, a detailed CMP intersection analysis is not required, and the project would not have a significant impact at a CMP intersection. The project would not have an adverse impact during the afternoon peak hour because the proposed elementary school would generate little or no traffic during the afternoon commuter peak period on a typical day of operation.

The traffic study also assumed that approximately 5 percent of the proposed school traffic would use any particular freeway segment as an access route, which equates to approximately 6 inbound and 5 outbound trips during the morning peak hour. As this volume is well below the CMP threshold of 150 trips for freeways, a detailed CMP freeway analysis is not required, and the proposed project would not have a significant impact on the freeway network.

**Impact 5.12-4:** The project is designed to provide adequate emergency access and would not impede emergency access in the surrounding area.

### **On-Site Emergency Access**

The project will comply with Title 19, California Fire Code, Chapter 5, to provide adequate emergency access. The driveways into the school's parking lot and near the multipurpose building will be designed to accommodate emergency access onto the proposed campus by fire trucks, police units, and ambulance/paramedic vehicles. On January 11, 2018, the County of Los Angeles Fire Department, Fire Prevention Division, approved the site plan for life safety; all access features are subject to and must satisfy design requirements of the Division of the State Architect (DSA). Figure 5.11-1, page 5.11-8 of the Draft EIR, in Section 5.11, *Public Services*, shows the proposed fire access plan.

### **Off-Site Emergency Access**

Additionally, in a letter response to the EIR scoping process (see page L-6 in Volume 2 of the DEIR), the City of Hermosa Beach Fire Marshal, James Crawford, indicated that the proposed "new construction will have many new requirements for fire and life safety" and that the facility would be "fully sprinklered with adequate fire flow and access." The Fire Marshal also stated that the proposed project would *not* have a significant impact on the department's ability to maintain adequate level of fire protection to the surrounding area. Moreover, implementation of Mitigation Measures TRAF-3 and TRAF-4, which would restrict parking on the north side of 25th Street, between Myrtle Avenue and the site's eastern boundary; the east side of Myrtle Avenue, between 25th and 26th streets; and the south side of 26th Street, between Myrtle Avenue and Morningside Drive, would improve traffic circulation by creating a continuous, unobstructed route from the passenger loading areas to the intersection of Gould Avenue|Morningside Drive. Assuming Mitigation Measures 3 and 4 are implemented and that drivers will comply with existing law, including the requirement to yield the right-of-way to police vehicles, fire engines, ambulances, or other emergency vehicles using a siren and red lights, the proposed project would not result in inadequate emergency access on streets surrounding the project site.

**Impact 5.12-5:** The proposed project would conform with adopted policies, plans, and programs for alternative transportation modes, and the project would not decrease their performance or safety.

### **Pedestrian and Bicycle Facilities**

The proposed project would not eliminate existing pedestrian and bicycle facilities. However, the proposed school would generate nonmotorized travel with students walking or riding their bicycles to school. The District encourages students to walk to school each day to alleviate traffic in the community and promote healthy living. The proposed site plan identifies four pedestrian access points for easy access onto the proposed campus; the school would also provide bike racks to encourage students to bike to school.

PLAN Hermosa acknowledges that sidewalks in the city are not continuous and that there are sidewalk obstructions, missing curb ramps, and steep driveways; this affects the entire city, not just the close vicinity of North School. The City has a Safe Routes to School Network Map, which

identifies biking and walking routes to all schools within the City, including the project site. As shown in Figure 5.12-7, *Safe Routes to School Network*, page 5.12-61 of the recirculated EIR, safe routes have been identified for three of the four access points. Streets near the project site that do not have sidewalks are not identified routes—24th Street, 24th Place, 25th Street between Park Avenue and Valley Drive, and parts of Morningside Drive north of 25th Street. As they currently do at Valley and View schools, the District will provide students and parents of North School with the City's Safe Routes to School Map and encourage them to use the City-identified safe routes. The use of and compliance with City-designated safe routes to the proposed North School site would direct students away from streets with inadequate sidewalk facilities. Not only would this limit traffic safety hazards, as discussed in Impact 5.12-3, the proposed project would also be consistent with the City's adopted program on pedestrian and bicycle routes.

### **Mass Transit**

Several bus companies operate routes in the vicinity of the school site. Metro operates Metro Lines 130 and 232 along Pacific Coast Highway, approximately one-half mile east of the school site; Beach Cities Transit operates Route 109 on Hermosa Avenue, which is three blocks west of the school site; and the Los Angeles Department of Transportation runs Commuter Express Route 438 along Hermosa Avenue. Project improvements would occur on the project site and would not directly impact existing mass transit facilities. Additionally, the construction traffic management plan would address any potential temporary road closures and limit the impacts to bus routes.

**Impact 5.12-7:** The project would not result in a substantial increase in VMT.

As discussed under SB 743 in Section 5.12.1.1, *Regulatory Background*, page 5.12-3 of the recirculated EIR, VMT has been proposed as replacement metrics for motor vehicle LOS. It is anticipated that VMT will become a basis for findings of significant impact under CEQA in the future. However, methods for calculating VMT and thresholds of significance have not been adopted by the City of Hermosa Beach or the County of Los Angeles. As the use of VMT metrics to evaluate transportation impacts is not required until January 2020 and thresholds of significance based on VMT are still under development, the evaluation of VMT conducted in this EIR is strictly an informative exercise and will not be compared to any impact threshold.

In addition, the City of Hermosa Beach does not currently have VMT capabilities incorporated into its travel demand forecasting model. For the PLAN Hermosa EIR, the City used the 2012 SCAG RTP model to estimate VMT. The SCAG model is not appropriate for VMT analysis at the project level, such as this proposed project because it provides traffic forecasts at a regional level, and provided limited detail at a local, street-block level.

Moreover, home-to-school trips already occur in the city because parents drive their children to the existing schools in the area. Trip distances and mode choice (car, walk, bike) would be affected based on the distance from home to school. For example, students who live within walking distance of their existing school may be driven to the project site. On the other hand, students who live near the project site and currently drive to their school may walk to the project site. The proposed project would result in shorter vehicle trips for some students and longer trips for others. Because the project site is near the northwest boundary of the District, implementation of the proposed project

may result in net longer trip lengths (in miles) compared to the home-to-school trip lengths that currently exist. As a result, an increase in VMT would likely occur. However, Hermosa Beach is a relatively small City of 1.3 square miles, and the distance between the existing two District schools and the project site is less than one mile. Therefore, the expected difference in trip lengths with a change in travel patterns due to the proposed project and resulting VMT would be minimal. Because any potential increase of trip lengths would be small and most trips generated by the proposed project already exist, and in light of the results of the GHG analysis's conclusion that the increase in GHG emissions would be well below the bright line threshold, it is reasonable to conclude that the project would not result in a substantial increase in VMT.

### **Cumulative Impact**

The cumulative traffic impacts associated with the proposed school and related development projects in the City are addressed under the 2019 baseline scenario of Impact 5.12-1a and Impact 5.12-1b.

The 2019 baseline analysis captures traffic from ambient regional growth and developments in the South Bay region. As discussed in Impact 5.12-1a, cumulative traffic impacts under the one-hour AM peak condition would be less than significant. However, cumulative traffic impacts under the half-hour AM and PM peak conditions would be significant and adverse (see Impact 5.12-1b).

Neither traffic hazards nor parking effects would be cumulatively considerable. Related projects are not in close proximity to the project site (see Figure 3-6, page 3-19 of Draft EIR), and there are no anticipated developments identified in PLAN Hermosa that when combined with the proposed project would significantly impact roadway hazards or cause parking impacts.

***Finding:*** The District finds, based on the Final EIR, and the whole of the record, that the proposed Project will result in less than significant impacts associated with applicable plans; ambient traffic and trips; emergency access; adopted policies, plans, and programs for alternative transportation; and the increase in VMT.

### **Tribal Cultural Resources**

**Impact 5.13-1:** The proposed project would not cause a substantial adverse change in the significance of a tribal cultural resource or an object with cultural value to a California Native American tribe.

No sacred lands have been identified on the project site by the NAHC or a California Native American Indian tribe, such as the Gabrieleño/Tongva San Gabriel Band of Mission Indians or Soboba Band of Luiseno Indians, and no objects with cultural value to a Native American Indian tribe have been identified on the project site.

The project's Historical Resources Assessment Report determined that the existing facilities and project site do not display any significant architectural styles or meet any criteria that qualify the project's eligibility as national or state historical resources. Section 5.4, *Cultural Resources*, and Appendix E, of the Draft EIR, further discusses this determination. The project site is not currently listed on historic resource lists/databases, including the National Register of Historic Places, California State Historical Landmarks, California Points of Historical Interest, California Register of

Historic Resources, and City of Hermosa Beach Historic Resources Preservation Ordinance, which is the adopted local register of historic resources.

Additionally, due to the project site's distance from designated historical resources in the City of Hermosa Beach and surrounding areas, the closest of which is at least one mile south of the project site, project implementation would not indirectly impact the significance of these resources.

### **Cumulative Impact**

As with the proposed project, each related cumulative project would be required to comply with AB 52 and Public Resources Code Section 21083.2(i), which addresses accidental discoveries of archaeological sites and resources, including tribal cultural resources. Therefore, any discoveries of TCRs caused by the project or related projects would be mitigated to a less than significant level, and therefore project impacts would not be cumulatively considerable.

***Finding:*** The District finds, based on the Final EIR, and the whole of the record, that the proposed Project will result in less than significant impacts associated with tribal cultural resources.

### **Utilities and Service Systems**

**Impact 5.14-1:** Project-generated wastewater could be adequately treated by the wastewater service provider for the project.

### **Short-Term Construction Impacts**

The project site is currently served by the local sewer system. No sewage demands would be created during construction compared to the existing conditions because the students and staff of the South Bay Adult School and Children's Journey Learning Center would be relocated. The project would include the connection of the existing onsite sewage pipelines to the new buildings. Sewer improvements associated with the project would be coordinated with the City of Hermosa Beach Public Works Department to avoid disruption of service.

### **Long-Term Operational Impacts**

The City of Hermosa Beach does not have sewage generation factors for different land use types. The City of Los Angeles has established the 2006 CEQA Thresholds Guide, which establishes sewage generation factors for different land uses, as these CEQA Thresholds provide a conservative approach to CEQA analysis. Additionally, due to the proximity of the City of Los Angeles to Hermosa Beach, these are applicable thresholds for sewage generation analysis for the proposed project. Table 5.14-2, *Sewage Generation Comparison*, page 5.14-8 of the Draft EIR, compares the estimated existing sewage generation with the sewage generation of the proposed project.

As shown in Table 5.14-2, the proposed project would result in an increase of approximately 1,308 gallons of sewage generated per day over existing conditions. When compared to the remaining capacity of JWPCP of 137 mgd, the project represents an increase of 0.0001 percent of JWPCP's remaining treatment capacity.

Additionally, future upgrades to sewer infrastructure used by the proposed project would be constructed in accordance with recommendations and policies of PLAN Hermosa and the Sanitary Sewer Master Plan. The project does not include improvements to offsite sewer infrastructure; therefore, this impact is considered less than significant.

**Impact 5.14-2:** Project-generated sewage would not exceed sewage treatment requirements of the Los Angeles Regional Water Quality Control Board.

### **Short Term Construction Impacts**

Construction of the project would not generate sewage. During construction, portable restrooms will be used for construction workers and will be maintained in accordance with state regulations.

### **Long Term Operation Impacts**

The project site is within the jurisdiction of the Los Angeles RWQCB (Region 4) and is subject to the waste discharge requirements of the NPDES Permit No. CAS004001 and the Los Angeles County MS4 Permit (Order No. R4-2012-0175), as amended by Order WQ 2015-0075. Sewage treatment facilities can treat sanitary domestic sewage that meets these discharge limits. The project would not change the operation of the site as an educational use; therefore, the nature and type of sewage would have similar pollutant content because existing conditions and sewage content would not change. As discussed under Impact 5.14-1, the project would result in an increase in sewage but would be adequately served by the sewage treatment facilities without causing an adverse impact. Additionally, similar to all new construction projects in the LACSD boundary, the proposed project would be required to comply with the LACSD's sewage discharge standards. Impacts from other development projects in Hermosa Beach (see Table 3-2, *Related Cumulative Projects*, were considered by the LACSD during their approval process and will be required to comply with discharge requirements. There are no plans to expand the school beyond its capacity of 510 students, and there would be no future sewer demand beyond what is shown in Table 5.14-1, page 5.14-6 of the Draft EIR. Therefore, individual project impacts would not be cumulatively considerable with other development projects in Hermosa Beach.

**Impact 5.14-3:** Existing water supply, treatment facilities and delivery systems are adequate to meet project requirements.

### **Construction**

The proposed project would use water during the construction phase mainly for suppressing dust during ground-disturbing activities. The South Coast Air Quality Management District's Rules 402 and 403, as discussed in Section 5.2, *Air Quality*, of the Draft EIR, require controlling fugitive dust and avoiding emission nuisances.

Typically, trucks used to spray water over exposed soil are filled from temporary connections to fire hydrants near the site. Water trucks that would be used on a site the size of the proposed project usually hold between 2,000 and 4,000 gallons of water. Depending on the duration of construction, weather conditions, and amount of exposed soil, between 1 and 5 truckloads of water would be used daily during rough and fine grading of the site. For purposes of analysis, an average of 3 trucks per 5-day work week and 3,000 gallons per truck is assumed, which results in 45,000 gallons of water per

week, or 9,000 gallons per day. Appendix C of the Draft EIR estimates that the rough and fine grading are estimated to take approximately 36 days, or 7.2 work weeks. This brings water use to 324,000 gallons (0.99 acre-foot) for construction. When compared to the available capacity of 410 mgd of water available from the Robert B. Diemer Treatment Plant, the amount of water used during the temporary construction phase of the project represents 0.00002 percent of the remaining treatment capacity at the plant. The projected demand is less than the available capacity, and the existing water lines are adequate to serve the water trucks during construction; therefore, construction impacts on water supply and delivery systems are considered less than significant.

## **Operation**

### *Water Treatment*

The City of Hermosa Beach does not have established water demand factors for different land use types. Similar to the analysis of projected sewage demand (see Impact 5.14-1, above), a conservative estimate for water demand is 1.25 times sewage generation. Table 5.14-3, *Water Demand Comparison*, page 5.14-11 of the Draft EIR, compares the estimated current water demand of the site and its facilities as to the projected water demand of the proposed project.

Table 5.14-3 shows that the proposed project would result in an increase in demand of approximately 1,635 gallons of water per day. Treatment services for water distributed to the project site would be provided by the Robert B. Diemer Treatment Plant, which has a treatment capacity of 520 million gallons per day, and treats approximately 110 mgd; therefore, the Robert Diemer treatment facility has a remaining treatment capacity of approximately 410 mgd. The proposed project's increase in water demand would be less than 0.0004 percent of the remaining water treatment capacity.

### *Water Supply*

The Cal Water Hermosa-Redondo UWMP found that purchased water would be sufficient to serve all water demands in the service boundaries through the planning year 2040 under regular, single-dry, and multiple-dry year weather conditions, and during hydrologic conditions not served by groundwater or recycled water. Additionally, the increased water demand of 1,635 gpd would be approximately 1.4 percent of the projected water demand increase in government service connections by the year 2040.

## **Cumulative Impact**

The area considered for cumulative impacts to sewage services is the treatment and conveyance for the JWPCP, which serves 3.5 million people throughout the western and southern portions of Los Angeles County. Because the project would result in a 0.0001 percent increase in sewage generation, the impacts would be less than significant.

The MWD includes five water treatment plants with the capacity to treat 2.64 billion gpd combined. As stated in Impact 4.12-3, water for the project site would be adequately treated by the Robert Diemer Treatment Plant; the five treatment plants are cumulatively operating below capacity and would be able to provide water treatment for planned developments within the service area.

According to the Hermosa-Redondo UWMP, Cal Water ensures adequate water supply to meet annual changes in demand through water purchase agreements; there is adequate water supplies to



support planned developments within the Cal Water Hermosa-Redondo District's service area. The proposed project would construct a new school with water-efficient features and would result in a negligible increase in annual water demand in the service area. The anticipated water demand from the proposed project and planned developments in the service area boundaries falls within the Cal Water Hermosa-Redondo UWMP's projected water supplies for average weather years as well as multiple dry years. Therefore, the project would not result in a significant impact to water supplies and treatment facilities, individually or cumulatively.

***Finding:*** The District finds, based on the Final EIR, and the whole of the record, that the proposed Project will result in less than significant impacts associated with the treatment of project-generated wastewater by the wastewater service provider; exceeding sewage treatment requirements of the Los Angeles Regional Water Quality Control Board; and existing water supply, treatment facilities and delivery systems.

## **Energy**

**Impact 5.15-1:** Construction activities would not result in wasteful, inefficient, and unnecessary consumption of energy or have excessive energy requirements.

During construction, the project would consume energy in two general forms: (1) the fuel energy consumed by construction vehicles and equipment; and (2) bound energy in construction materials, such as asphalt, steel, concrete, pipes, and manufactured or processed materials such as lumber and glass.

### **Transportation Energy**

Transportation energy use depends on the type and number of trips, vehicle miles traveled, fuel efficiency of vehicles, and travel mode. Transportation energy use during construction would come from the transport and use of construction equipment, delivery vehicles and haul trucks, and construction employee vehicles that would use diesel fuel and/or gasoline. The use of energy resources by these vehicles would be temporary and would fluctuate according to the phase of construction. The majority of construction equipment during demolition and grading would be gas powered or diesel powered, and the later construction phases would require electricity-powered tools.

Based on the estimated VMT and duration of construction, Table 5.15-1, page 5.15-6 of the Draft EIR, provides the estimated fuel usage for construction vehicles. As discussed in Section 5.2 *Air Quality*, all diesel-fuel commercial motor vehicles must not idle for more than five consecutive minutes at any location.

As shown in Tables 5.15-2 and 5.15-3, pages 5.15-87 and 5.1-8 of the Draft EIR, the project's fuel consumption from construction would be 54,493 gallons, which would temporarily increase fuel use in the county by 0.0035 percent. Therefore, project construction would not represent a substantial increase in demand for local or regional energy supplies. Construction fuel use would cease upon completion of project construction. No unusual project characteristics would necessitate the use of construction equipment that would be less energy efficient than at comparable construction sites in the region or state. Therefore, it is expected that construction fuel consumption associated with the proposed project would not be any more inefficient, wasteful, or unnecessary than similar

development projects. Impacts related to the use of transportation energy during construction would not require expanded energy supplies or the construction of new infrastructure. Impacts would be less than significant.

### **Construction Materials**

Construction building materials may include recycled materials and products originating from nearby sources in order to reduce the costs of transportation. The District may use recycled materials for construction of the proposed improvements, as appropriate and as available. With increasing transportation costs and fuel prices, contractors and owners have a strong financial incentive to avoid wasteful, inefficient, and unnecessary consumption of energy during construction.

The type of construction is conventional and similar to other schools in the District. As noted in Chapter 4.0, *Project Description*, of the Draft EIR, it is the intent of the District to construct a zero net energy (ZNE) site. Substantial reductions in energy inputs for construction materials can be achieved by selecting building materials of recycled materials, which require substantially less energy to produce than nonrecycled materials. The incremental increase in the use of energy bound in construction materials such as asphalt, steel, concrete, pipes, and manufactured or processed materials (e.g., lumber and gas) would not substantially increase demand for energy compared to overall local and regional demand for construction materials. It is reasonable to assume that production of building materials such as concrete, steel, etc., would employ reasonable energy conservation practices in the interest in minimizing the cost of doing business. Construction of the school is conventional and is not expected to use unnecessary amounts of material or to use materials in a wasteful manner, since both would increase the cost of construction. Impacts to energy from construction materials would be less than significant.

**Impact 5.15-2:** Operation of the school does not create a land use and pattern that cause wasteful, inefficient, and unnecessary consumption of energy or create buildings that would have excessive energy requirements.

Operation of the project would create additional demands for electricity and natural gas compared to existing conditions and would result in increased transportation energy use. Operational use of energy would include heating, cooling, and ventilation of buildings; water heating; operation of electrical systems, security, and control center functions; use of on-site equipment and appliances; and indoor, outdoor, perimeter, and parking lot lighting.

### **Electricity and Gas**

The CalEEMod model used to calculate air quality impacts also generates natural gas and electricity usage. As shown in Table 5.15-4, page 5.15-9 of the Draft EIR, the proposed project would result in less natural gas and electricity use than the existing school use. The reduction in energy use is attributed to the new building standards associated with the proposed project.

### **Sustainable Design Features**

The proposed improvements would be designed as a ZNE site; that is, onsite energy generation would equal the energy used by the site facilities. ZNE would be accomplished by installation of the following improvements:

- Highly energy-efficient solar photovoltaic arrays on the roofs of the proposed main building and multipurpose building. The solar panels would be developed with “high transmission, low iron glass,” would use antireflective coatings, and their surfaces are roughened to diffuse reflection and minimize glare.
- The proposed buildings would be constructed with a highly efficient building envelope, including for construction of wall and roof assemblies.
- The buildings would be oriented to maximize day lighting to minimize the need for artificial lights.
- Efficient heating, ventilation, and cooling (HVAC) systems would be installed to control the climate of all interior building spaces and manage heating and cooling loads throughout the building.
- LED lighting would be installed for all interior and exterior areas of the building.
- Low-water-use plumbing fixtures would be installed in restrooms and sink areas.
- Drought-tolerant landscaping would be planted at all landscaping areas to minimize irrigation onsite.

With the reduction in energy use associated with new construction to the standards of the California Green Building Standards Code and the ZNE project components, there would be no impact to the use of energy.

### **Transportation Energy**

The average trip lengths associated with students were determined by measuring the longest possible home-to-school trip for the two existing schools, Hermosa Valley and View Schools, approximately 0.5 and 0.6 mile south and east, respectively, and for the proposed North School site. The analysis assumes that the shortest vehicle trip would be 1,000 feet because people closer than 1,000 feet to a school are more likely to walk or ride a bike. Taking the average of the longest and shortest trips, the longest trip for North School is 1.97 miles, the longest trip for Valley School is 1.40 miles, and the longest trip for View School is 1.67 miles. The average trip lengths are 1.1 for North, 0.8 for Valley, and 0.9 miles for View. Since the existing schools are more centrally located within Hermosa Beach, the average trip lengths for these schools are shorter than the proposed North School location. These estimates were used to calculate both the existing and the proposed VMT. Table 5.15-5, page 5.15-11 of the Draft EIR, shows the VMT calculations for the proposed school, assuming a typical school day and a full, 180-day school year.

Since the student-related trips would be occurring at the existing Valley and View schools if the proposed school were not developed, the VMTs that would be removed from those schools was determined so that the net change resulting from the proposed project could be calculated. For this analysis, the existing staff would remain with their respective schools, and all new staff would be assigned to North School.

### **Fuel Usage**

CARB publishes the EMFAC2014 Web Database, which was used to calculate fuel consumption for the 133,200 new vehicle miles traveled, as shown in Table 5.15-5. The database search was limited to Los Angeles County and assumed the 2017 calendar year and light-duty private vehicles with a range of model years and fuel types. Based on the CARB database, the average miles per gallon for vehicles in Los Angeles is 21.1. Using this estimate, the new vehicle trips associated with the school could result in use of approximately 6,313 gallons of fuel for the school year. This is a conservative figure because, as fuel efficiency in passenger cars increases, electric vehicle use expands and fuel usage will decrease. The calculated fuel use represents 0.0004 percent of the total fuel usage for light vehicles in the region over the same 180-day school year (1.55 billion gallons). This amount of increase in fuel usage represents a conservative estimate with the real use likely being less than calculated. The 0.0004 percent increase associated with additional vehicle miles travelled associated with this project are considered negligible when compared to the region as a whole.

### **Cumulative Impact**

The proposed project will have a stable energy use over time, and as shown in Table 5.15-4, will be a reduction in energy use from the current condition. In addition, the proposed project is intended to be a zero net energy which means it will not add to the cumulative demand for power in the region. Therefore, the proposed project will have no impact on cumulative energy use.

***Finding:*** The District finds, based on the Final EIR, and the whole of the record, that the proposed Project will result in less than significant impacts associated with construction activities, and project operation.

## **C. Impacts Mitigated to Less Than Significant With Mitigation Incorporated**

The following summaries describe impacts of the proposed project that, without mitigation, would result in significant adverse impacts. Upon implementation of the mitigation measures provided in the EIR, these impacts would be considered less than significant.

### **1. Aesthetics**

**Impact 5.1-3:** Stationary and mobile light sources within the project site could spill into nearby properties

### **Construction**

The proposed project's construction hours would be consistent with the City's noise hours, which would therefore limit nighttime construction activities and the need for nighttime lighting. However, for security and safety purposes, the construction site would be installed with video cameras and

lighting that would be triggered by motion. The devices would be strategically placed throughout the property. When the security lights are triggered, the level of illumination would be similar to that of security and porch lighting at nearby properties and would not blink or flash. In order to minimize potential spill light and contribute to regional nighttime glow, the security lights would be directed downward on areas that require security. Construction equipment and vehicles would also create glare during the day; the type and amount of glare would be similar to those of existing vehicles that park on and pass by on adjacent roadways. Therefore, light and glare impacts during construction would not be substantial.

## **Operation**

### **Stationary Sources**

#### *Light*

Similar to existing conditions, the new buildings would have interior building lighting. Unlike the existing conditions, however, the modernized site would include exterior lighting installed near walkways and around the parking lot. The proposed exterior lighting would be triggered by motion and its illumination would be similar to or less than existing porch and security lights nearby surrounding properties. No high-intensity lighting for nighttime use of the school's playfield or playground would be installed. Although lighting levels caused by stationary light sources are not expected to be substantially greater than existing surrounding conditions, due to the close proximity of the proposed development to residential uses, mitigation has been included to ensure that stationary light sources do not spill over onto surrounding properties.

#### *Glare*

The proposed exterior building materials would include a combination of stucco and horizontal lap siding, which are nonreflective. The buildings would also have windows, but they would not create any more glint and glare than windows existing at the site and surrounding residences. The northern side of the proposed buildings' rooftop would be flat and painted white; the rooftops on the southern side would be slanted toward the south and composed of a nonreflective metal-seam material. Rooftop solar photovoltaic panels would be installed atop the south-facing roofs.

The solar panels, which use anti-reflective coatings and their surfaces are roughened to diffuse reflection and minimize glare, would be developed with "high transmission, low iron glass," to absorb and capture light. Consequently, this produces smaller amounts of glare and reflectance than normal glass. Therefore, glare caused by the solar panels and other building materials would not be considered substantial.

### **Mobile Sources**

Mobile light and glare sources would include vehicles traveling to/from and within the site. Light and glare generated by vehicles on the public rights-of-way would be similar to those already existing on the adjoining roadways and would not be substantial. Light and glare from vehicles accessing the school's parking lot proposed in the western portion of the project site would generate new sources of light and glare, since this area is currently developed with a building and playground. Vehicle glare would not be substantial; it would be similar to that of vehicles parked and passing by on the adjacent roadways. Light from vehicle headlights, however, could be a potential concern because the

proposed parking lot—similar to existing conditions—would be elevated five to six feet above the grade of Myrtle Avenue and 26th Street. Light from the headlights of vehicles traveling within and parked on the lot could be directed toward and spill into the residences across the parking lot.

The District has considered this potential significant lighting impact and contemplated construction of a solid barrier/wall along the perimeter of the parking lot. However, for security reasons, the parking lot will require visibility from the street, and a solid barrier from the floor-grade of the parking lot is not feasible. Mitigation in the form of vegetation planted along the cable rail fence would allow some visibility into the parking lot from the street level, while shielding light from vehicle headlights from entering into the windows of adjacent light-sensitive uses.

**Mitigation Measures:**

The following mitigation measures were included in the DEIR and the FEIR, and are applicable to the proposed project. The measures as provided include any revisions incorporated in the FEIR.

AES-1            Prior to the use of any of the exterior stationary lights during construction and operation of the proposed project, the District and/or its construction contractor shall first test each light source at least 30 minutes after dusk to ensure that the illumination does not create glare or spill into the property lines of adjacent residential uses. All exterior stationary lights used during construction and operation of the project shall be the minimum intensity necessary, fully shielded (full cutoff), and downcast (emitting no light above the horizontal plan of the fixture). The lamp bulb shall not be directly visible from the surrounding residences.

AES-2            Prior to the first use of the finished parking lot on the west end of the project site, the District and/or its construction contractor shall plant vegetation along the perimeter of the parking lot to reduce potential glare and spill light caused by headlights of vehicles accessing the lot, from entering into the windows of adjacent residential uses. Vegetation shall be selected based the plant's ability to shield vehicle headlights while providing visibility of the proposed parking lot's floor level from the public right-of-way. The vegetation could consist of one or more types of shrubs or vines and shall be non-invasive and drought tolerant. Selection shall be based on the vegetation types' projected growth rate and maintenance, water, sun, and soil requirements. The District may also consider the visual quality of the plant, and its consistency with the proposed improvements. Examples of suitable vegetation types for the perimeter of the parking lot are provided in Table 5.1-1, *Vegetation Examples*, page 5.1-40 of the Draft EIR, and Figure 5.1-13, *Types of Shrubbery*, page 5.1-13 of the Draft EIR. Individual plants shall be in 5-gallon containers (minimum) to ensure optimum height and maximize growth potential. The final determination shall be made by a landscape architect based on the factors provided above. The plants will be trimmed and maintained in accordance with the school's landscaping schedule.

**Finding:**

The District beach hereby finds that implementation of Mitigation Measures AES-1 and AES-2 are feasible, and are therefore adopted (Public Resources Code § 21081[a][1], Guidelines § 15091[a][1]). Therefore, the District hereby finds that changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the final EIR.

**2. Biological Resources**

**Impact 5.3-1:** Development of the proposed project would not substantially affect plant or animal species identified as a candidate, sensitive, or special status. However, project implementation could impact protected nesting birds.

The project site is in an urbanized community. The site is developed with a former school campus. Nonnative landscaping improvements are planted throughout the site, including ornamental shrubs and trees on the lawn along 25th Street and vegetated slope on the eastern perimeter of the site; the slope is stabilized by nonnative iceplant. Due to its developed nature, there are no candidate, sensitive, or special status-listed plant and animal species or special vegetation communities on or adjacent to the project site, and project development would not directly take any of these species or communities.

The proposed project, however, includes removal of ornamental vegetation, including mature trees within the development footprint that may have potential to support nesting bird species that would fall under the protection of the federal MBTA and California Fish and Game Code (described in Section 5.3.1.1, page 5.3-2 of the Draft EIR). Although no active or inactive nests were detected during the site visits, it is possible they could occur during project construction.

Known special-status wildlife species in the area—California least tern and western snowy plover—have the potential to occur in the beach habitats. However, due to the distance and intervening urban development between the project site and the beach, project implementation would have limited potential to indirectly affect these two coastal bird species.

Due to the urban nature of the project site and surrounding area, project implementation would not directly or indirectly affect candidate, sensitive, or special status plant and animal species or vegetation communities. However, if project implementation occurs during the avian nesting season (February 1 through August 31), it is possible the removal of vegetation would affect nesting migratory birds.

BIO-1 A preconstruction nesting bird survey shall be conducted by a qualified biologist (i.e., one with experience conducting nesting bird surveys) to ensure potential impacts to nesting bird species do not occur during the breeding season. The survey shall comply with the conditions in the Migratory Bird Treaty Act and California Fish and Game Code with methods accepted by the US Fish and Wildlife Service and the California Department of Fish and Wildlife to protect active bird/raptor nests. To the extent feasible, vegetation/tree clearing shall take place outside the general avian breeding season (February 1 to August 31). If vegetation clearing

and/or tree removal cannot occur outside the general avian breeding season, then a preconstruction survey for avian nesting shall be conducted by a qualified biologist on the project site and within 500 feet of the site within seven calendar days prior to the start of construction. If the biologist does not find any active nests within or immediately adjacent to the impact area, the vegetation clearing/construction work shall be allowed to proceed.

If the biologist finds an active nest within or immediately adjacent to the construction area and determines that the nest may be impacted or breeding activities substantially disrupted, the biologist shall delineate an appropriate buffer zone around the nest depending on the sensitivity of the species and the nature of the construction activity. Any nest found during survey efforts shall be mapped on the construction plans. The active nest shall be protected until nesting activity has ended. To protect any nest site, the following restrictions to construction activities shall be required until nests are no longer active, as determined by a qualified biologist: work may proceed if it is (1) at least 500 feet from raptor nests; (2) at least 300 feet from federal- or state-listed bird species' nests; and (3) at least 100 feet from nonlisted bird species' nests. Encroachment into the buffer area around a known nest shall only be allowed if the biologist determines that the proposed activity would not disturb the nest occupants. A qualified biologist shall conspicuously mark the buffer so that vegetation clearing and/or tree removal/trimming does not encroach into the buffer until the nest is no longer active (i.e., the nestlings fledge, the nest fails, or the nest is abandoned, as determined by a qualified biologist).

**Finding:**

The District hereby finds that implementation of Mitigation Measure BIO-1 is feasible, and is therefore adopted (Public Resources Code § 21081[a][1], Guidelines § 15091[a][1]). Therefore, the District hereby finds that changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the final EIR.

**3. Cultural Resources**

**Impact 5.4-2:** Development of the project could impact archaeological resources that may be buried in disturbed soils.

The project site is entirely developed and is not a designated archaeological site, nor has it been determined to be a historical resource (see Impact 5.4-1). However, prior to its current developed condition, structures built as early as 1912 were used as a church and residence on the northwest portion of the site. These buildings were removed from the site in the 1950s. Ground disturbance near these structures, as well as near the existing structures may result in the accidental discovery of unique artifacts that are of public interest, have a particular quality (e.g., oldest or the best available example of its type), and/or are associated with a recognized important prehistoric or historic event or person.



Although archaeological resources were not identified during site surveys, it is possible that subsurface archaeological resources exist and that may be encountered during construction activities that disturb soil. If any are encountered, the District would comply with CEQA Guidelines Section 15064.5, which requires the lead agency to determine if the discovered resource is unique or historically significant, and if so to treat it in accordance with the provisions of PRC Section 21083.2.

CUL-1 Prior to the start of construction, Hermosa Beach School District shall retain a qualified archaeologist to monitor ground-disturbing activities. The archaeologist shall attend a meeting with the grading contractor, engineering geologist, grading engineer, and school authorities to establish a protocol for monitoring during all earth-disturbing activities. The meeting shall briefly summarize the prehistoric and historic use of the land, describe the types of cultural resources that may be encountered in the project area, and outline steps to follow in the event a discovery is made. The training shall be developed and presented by a registered professional archaeologist (RPA) and may run concurrently with other environmental training (biological, paleontology, safety training, etc.). The training may be videotaped or presented in an informational brochure for future use by field personnel not present at the start of the project phase. The RPA shall have the authority to stop grading or construction work within 25 feet of any discovery of potential historical or archaeological resources in order to test, analyze, and make a finding of significance under Section 15064.5 of the California Environmental Quality Act Guidelines; develop a plan for recovery, analysis, report, and curation of the recoveries, as appropriate; and report to an accredited and permanent scientific institution, such as the South Central Coastal Information Center and Natural History Museum of Los Angeles County.

**Impact 5.4-3:** The proposed project could destroy paleontological resources that may be buried in the geologic deposits that underlie the project site.

Project development would involve disturbance of approximately 2.35 acres of land and would involve grading and trenching into subsurface soil, which consists of fill underlain by alluvial deposits. Fill may be found 4 to 5 feet beneath the proposed buildings, and 6.5 to 8 feet beneath the proposed parking area on the western portion of the site. According to the geotechnical report prepared for the project (see Appendix G of the Draft EIR), it is recommended that excavation for installation of the main building's footings exceed by 6 feet below the proposed footings or 6 feet below the existing grade, whichever is greater. The report also recommends excavating an additional 6 feet horizontally beyond the building perimeter for the multipurpose building and by 9 feet for the classroom building. Therefore, excavation for the footings for the improvements would extend beyond the subsurface fill and could encounter native soils.

According to the paleontological records search, although the project site is underlain by young Quaternary deposits that do not present the possibility of containing paleontological resources, due to overexcavation required for construction of the improvements, it is possible that older Quaternary deposits would be encountered.

Although no paleontological resources have been identified within or in close proximity of the project site, project construction may encounter older Quaternary deposits with potential to yield significant paleontological resources, and ground-disturbing activities could damage potential resources.

CUL-2 Prior to the start of construction, the Hermosa Beach School District shall retain a qualified paleontologist to determine if grading and excavation activities will encounter older Quaternary terrace deposits. If it is determined that older Quaternary terrace deposits will not be encountered, no additional work is required.

If it is determined that construction could encounter older Quaternary deposits, the qualified paleontologist shall provide training to the construction staff, including but not limited to the grading contractor, engineering geologist, grading engineer, and school authorities to outline steps to follow in the event that a discovery is made. The paleontologist shall establish a protocol for monitoring during all earth-disturbing activities. The training shall be developed and presented by the paleontologist and may be videotaped or presented in an informal brochure for future use by field personnel not present at the start of the project phase.

During construction, the paleontologist shall have the authority to halt construction activities to allow a reasonable amount of time to identify potential resources. If paleontological resources are discovered, the construction crew shall immediately cease work in the vicinity of the find. The paleontologist shall prepare a recovery plan in accordance with the Society of Vertebrate Paleontology guidelines (1996), which may include but is not limited to the following: a field survey, construction monitoring, sampling and data recovery procedures, museum storage coordination, and a report of findings. Necessary and feasible recommendations in the recovery plan can also be provided by the lead agency and shall be implemented before construction activities resume at the site where the resources were discovered. Any discovered resources shall be curated with the facilities at the Natural History Museum of Los Angeles County.

**Finding:**

The District hereby finds that implementation of Mitigation Measures CUL-1 and CUL-2 are feasible, and is therefore adopted (Public Resources Code § 21081[a][1], Guidelines § 15091[a][1]). Therefore, the District hereby finds that changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the final EIR.

**4. Geology and Soils**

**Impact 5.5-2:** Development of the project site could subject persons and structures to hazards arising from unstable soils or geologic units.

*Landslides*

According to the geotechnical report, due to the topography of the project site and surrounding area, there are no slopes that are susceptible to potential landslides located near the project site. Additionally, expansion of the project site eastward would be engineered to support the proposed grass field and related perimeter improvements. No impacts related to landslides would occur.

*Subsidence and Collapse*

According to the geotechnical report, the project site is outside the northwest end of the Torrance Oil Field. The nearest active oil well is approximately 3,300 feet east, the nearest drywell is 2,900 feet northeast, and the nearest plugged well is approximately 5,200 feet southeast. The project site is not used for oil extraction and has not historically been used for such; therefore, there would be no subsidence risk from overdraft of petroleum beneath the site. However, according to the geotechnical report, subsurface soil conditions indicate the slight potential for collapse, and the geotechnical report provides recommendations for excavating and foundation and building construction techniques that would reduce impacts from unstable soil to less than significant.

*Lateral Spreading and Liquefaction*

The project site is not within a potential liquefaction zone. Additionally, due to the depth of groundwater—lower than 50 feet bgs—the potential for liquefaction is negligible. However, some dry settlement may occur in the upper loose to medium dense sand due to potential seismic shaking.

According to the geotechnical report, most of the settlement is anticipated to occur during construction of the project. The estimated potential for seismically induced settlement of isolated and/or strip footings under sustained loads should be 1.0 inch or less for the proposed maximum structural load. The maximum differential settlement, over a horizontal distance of 20 feet, is anticipated to be in the order of 0.5 inch for similarly loaded footings with implementation of engineering measures as recommended by the geotechnical report.

*Expansive Soils*

The subsurface soils beneath the project site mostly consist of poorly graded sand. These types of material generally have a low susceptibility to expansion when facing seasonal cycles of saturation and desiccation. Additionally, consolidation tests conducted for the geotechnical report did not experience swelling upon the addition of water. Subsurface soils have the slight potential for collapse and dry settlement, but do not present conditions for other potentially significant impacts from unstable soils or geologic conditions.

GEO-1           The proposed project shall be constructed in accordance with the geotechnical engineering recommendations in the Koury Engineering and Testing Inc. report, “Geotechnical Investigation and Geological Engineering Investigation Report, Hermosa North School 417 25th Street, Hermosa Beach, California 90254,” as well as any subsequent geotechnical studies prepared for the proposed project. A geotechnical representative shall review foundation plans prepared for the proposed improvements in accordance with the geotechnical report prior to construction of the improvements. A geotechnical representative shall also be present during construction operations to evaluate implementation of the report recommendations

with regard to bearing capacity, settlement, flatwork, slabs-on-grade, temporary excavations, and utility trenches.

**Finding:**

The District hereby finds that implementation of Mitigation Measure GEO-1 is feasible, and is therefore adopted (Public Resources Code § 21081[a][1], Guidelines § 15091[a][1]). Therefore, the District hereby finds that changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the final EIR.

**5. Noise**

**Impact 5.10-1:** Construction activities would result in temporary noise increases in the vicinity of the proposed project.

Construction of the proposed project would generate temporary noise. In typical construction projects, demolition and grading activities usually generate the highest noise levels since they involve the largest equipment. Grading will require the movement of topsoil from within the site to support the proposed field improvements on the site slope.

In general, construction equipment would be limited to relatively small- to medium-sized equipment such as loaders/backhoes, scrapers, excavators, rubber-tired dozers, graders, welders, rollers, pavers, and air compressors. Project construction would require demolition of existing buildings; site preparation and utility trenching; and construction of a new two-story classroom/administration building, multipurpose building, play areas, and parking lots.

The District recognizes that the control of construction noise is difficult and provides an exemption for this type of noise when the work is performed between 8:00 AM and 6:00 PM, Monday through Friday, and between 9:00 AM and 5:00 PM on Saturday. Construction is prohibited on Sundays and federal holidays.

Two types of short-term noise impacts could occur during construction: (1) mobile-source noise from transport of workers, material deliveries, and debris and soil haul and (2) stationary-source noise from use of construction equipment. Existing uses surrounding the project site would be exposed to construction noise.

**Construction Vehicles**

The transport of workers and equipment to the construction site would incrementally increase noise levels along site access roadways. The primary access routes for delivery and construction vehicles to the project site would be from the driveway entrance on 26th Street and the construction staging area would be on the proposed field area, on the eastern portion of the site. Additionally, there would be occasional deliveries to different areas around the site that would require the use of Myrtle Avenue and 25th Street. Project-related construction worker vehicles, haul trucks, and vendor trucks could pass by existing residential and commercial uses along these streets. The demolition and grading phases would generate the most trips due to soil haul. Note that a doubling of traffic flows (i.e., 10,000 vehicles per day to 20,000 per day) would be needed to create a 3 dB increase in traffic-

generated noise levels in the pertinent CNEL noise level metric. As such, an increase of 3 dB is often used as a threshold for a substantial increase.

Since the construction-related trips would not double the flow rates on these streets, these project trips would not notably change the daily traffic flow conditions. In addition, these truck trips would be intermittent, spread throughout the workday, and primarily during nonpeak traffic periods. While individual construction vehicle pass-bys may create momentary noise levels of up to approximately 85 dBA ( $L_{max}$ ) at 50 feet from the vehicle, these occurrences—although potentially audible for a few seconds—would generally be infrequent. Due to the infrequency of events, their relatively short-lived durations, and their less than 3 dB increase over existing traffic noise conditions (relative to the industry-standard use of CNEL), construction vehicle movement noise would be less than significant. No mitigation is needed with respect to construction mobile source noise.

### **Construction Equipment**

The noise produced at each construction stage is determined by combining the  $L_{eq}$  contributions from each piece of equipment used at a given time. In the construction of residential and mixed-use projects, grading and construction typically generate the highest noise levels because they require the largest equipment. Heavy equipment, such as a dozer or a loader, can have maximum, short-duration noise levels in excess of 80 to 85 dBA at 50 feet. Noise attenuation due to distance, the number and type of equipment, and the load and power requirements to accomplish tasks at each construction phase would result in different noise levels from construction activities at a given sensitive receptor. Since noise from construction equipment is intermittent and diminishes at a rate of 6 dB per doubling distance (conservatively ignoring other attenuation effects from air absorption, ground effects, and/or shielding/scattering effects), the average noise levels at noise-sensitive receptors could vary considerably, because mobile construction equipment would move around the site with different loads and power requirements.

#### *Construction Noise Levels*

The pertinent properties surrounding the project site consist of residential uses. Project construction would involve demolition of existing buildings; site preparation and grading of existing land; and construction of a new classroom/administration building and a multi-purpose building. Noise levels from project-related construction activities were calculated from the simultaneous use of all applicable construction equipment at spatially averaged distances (i.e., from the center of the construction area) to the closest receptors.

The nearest sensitive uses include houses that protrude into the project site on the north (approximately 85 feet from the center of the site), adjacent houses at the corner of 25th Street and Myrtle Avenue (225 feet), houses to the east (130 feet), houses to the south across 25th Street (200 feet), houses across 26th Street (200 feet), and houses across Myrtle Avenue (360 feet). Using information provided by the District, coupled with methodologies and inputs employed in the air quality assessment, the expected construction equipment mix was estimated and categorized by construction activity. The whole of the proposed project would be completed in two phases, demolition and construction, which would begin in 2018 and end in 2019, prior to the start of the 2019-2020 school year. The noisiest portions, however (i.e., demolition and grading phases), are expected to take a total of 3 months. The associated, aggregate sound levels—grouped by construction activity—are summarized in Table 5.10-10, page 5.10-20 of the Draft EIR.

Construction activities would increase noise levels in the vicinity of the project site. Due to the proximity, the highest expected construction-related noise levels—up to approximately 78 dBA  $L_{eq}$ —would be at the nearest residential receptors adjacent to the site to the north. All construction would occur during the City of Hermosa Beach’s allowable hours of construction, the construction duration would be temporary (i.e., 3 months for the loudest phase), and noise levels above typical ambient conditions would be sporadic and intermittent. However, construction-generated noise levels would be notably higher than ambient noise levels at the nearest receptors.

**Impact 5.10-3:** Construction activities would create short-term increases in groundborne vibration and groundborne noise.

Groundborne vibration and groundborne noise may be of concern during ongoing operations or during the construction phase, as discussed separately below.

#### **Vibration during Operations**

Operation of the project would not generate substantial levels of vibration because there are no notable sources of vibrational energy associated with the project. Thus, operations of the proposed project would not result in significant groundborne vibration impacts.

#### **Vibration during Construction**

Construction activities generate varying degrees of ground vibration, depending on the construction procedures, construction equipment used, and proximity to vibration-sensitive uses. Construction equipment generates vibrations that spread through the ground and diminish in amplitude with distance. Table 5.10-11, *Typical Vibration Levels Produced by Common Construction Equipment Items*, page 5.10-22 of the Draft EIR, shows the PPVs of some common construction equipment and haul trucks (loaded trucks).

Demolition of the existing structures onsite, extending the site footprint eastward, and construction of new school facilities would be required, as well as importing 1,000 cubic yards of imported soil during grading to level the adjacent hillside with the site. Typically, demolition, grading, and construction activities include equipment such as jackhammers, dozers, and delivery/dump trucks. Generally, these types of equipment do not generate substantial levels of vibration at 25 feet. Minor grading and excavation would be necessary to install utilities and structural components for some of the proposed structures.

#### *Vibration-Induced Structural/ Architectural Damage*

The threshold at which there is a risk of architectural damage to normal houses with plastered walls and ceilings is 0.2 in/sec. Building damage is not a factor for normal construction, with the occasional exception of blasting and pile driving. No blasting, pile driving, or hard rock ripping/crushing activities are anticipated during project construction. Small construction equipment generates vibration levels less than 0.1 PPV in/sec at 25 feet away.

The nearest off-site residential structures are homes to the north, east, and west that are adjacent to the project boundary. These residences are less than 20 feet from the boundary of construction

activities.<sup>3</sup> Operation of vibratory rollers exceeds the 0.200 in/sec PPV threshold for damage at distances of less than 30 feet, and operation of large bulldozers exceeds the threshold at distances of less than 15 feet. Therefore, the residences within 20 feet of the boundary of construction activities could potentially experience vibration levels that would exceed the threshold for architectural damage if large or vibration-intensive equipment is used near the site boundary. Other off-site structures would be a minimum of 45 feet from the site boundary, and would not experience levels in excess of the damage threshold.

Architectural-damage vibration impacts would be potentially significant.

*Vibration Annoyance*

The FTA's criteria (see Table 5.10-4, page 5.10-9 of the Draft EIR) are frequently used as significance thresholds for vibration-related annoyance that is due to resonances of the structural components of a building. The FTA limit for vibration annoyance at sensitive uses is 78 VdB.

Vibration is typically noticed nearby when objects in a building generate noise, such as rattling windows or picture frames. It is typically not perceptible outdoors, and therefore impacts are based on the distance to the nearest building. The effects of vibration vary depending on soil type, ground strata, and receptor building construction. They range from no perceptible effects at the lowest vibration levels, to low rumbling sounds and perceptible vibrations at moderate levels, to slight damage at the highest levels.

The nearest off-site sensitive uses are the homes protruding into the north side of the site, approximately 85 feet from the center of the proposed project site (spatially averaged analysis). At this distance, vibratory rollers or similar equipment items would be expected to generate 78 VdB, and a large bulldozer would be expected to generate 71 VdB. Other nearby residences would be a minimum of 130 feet from the center of the site and would experience vibration levels below 73 VdB due to use of a vibratory roller, and below 66 VdB due to use of a large bulldozer. Even with large, vibration-intensive equipment, construction-generated vibration at the nearest residence would not consistently exceed the annoyance threshold. Because construction equipment moves around the site, and because vibration dissipates quickly with distance, the construction-related vibration levels would be less than 78 VdB for the majority of the time. Therefore, construction vibration impacts related to annoyance would be less than significant at all nearby vibration-sensitive land uses. However, there will be times when some equipment is in relatively close proximity to the project site boundary and construction-related vibration may be felt and perceived as irritating at some homes near the site boundary.

In summary, operations activities would not create substantial groundborne vibration or groundborne noise at off-site or on-site receptors. However, construction-related vibration presents potentially significant impacts, primarily with respect to damage effects.

N-1                   As required by the City of Hermosa Beach Municipal Code Section 8.24.050, construction activities shall not occur outside of the allowable hours.

                          Additionally, the Construction Contractor shall implement the following measures:

---

<sup>3</sup> Vibration-induced architectural damage analysis typically uses worst-case distances (instead of spatially averaged distances).

- At least 30 days prior to commencement of demolition or any other construction activities, notification shall be given to all residents within 500 feet of the project site regarding the planned construction activities. The notification shall include a brief description of the project, the activities that would occur, and the planned duration of activity. The notification shall also include the telephone number of the District's authorized representative to respond in the event of a vibration or noise complaint.
- Prior to the beginning of construction activities, a sign shall be posted at the entrance to the job site, clearly visible to the public, that contains a contact name and telephone number of the District's authorized representative to respond in the event of a vibration or noise complaint. If the authorized representative receives a complaint, he/she shall investigate, take appropriate corrective action, and report the action to the District.
- To the extent feasible, route all construction-related trips (including worker commuting, material deliveries, and debris/soil hauling) so as to minimize traffic through the neighborhood.
- All heavy construction equipment used on the proposed project shall be maintained in good operating condition, with all internal combustion, engine-driven equipment fitted with intake and exhaust muffles, air intake silencers, and engine shrouds no less effective than as originally equipped by the manufacturer.
- Where feasible, use electrically powered equipment instead of pneumatic or internal combustion powered equipment.
- Where feasible, all stationary noise-generating equipment shall be located as far away as possible from neighboring property lines.
- Prohibit unnecessary idling of internal combustion engines.
- The use of noise producing signals, including horns, whistles, alarms, and bells will be for safety warning purposes only.

All the above conditions shall be included on the permit applicant drawings with verification by the District staff. Additionally, all the above conditions shall be verified in the field by the District staff at the project site.

N-2

For demolition, construction, grading, foundation, and erection activities that would use vibration-producing equipment, the following mitigation measure shall be implemented in close coordination with District staff so that alternative construction techniques are undertaken.

Prior to the start of construction activities, the construction contractor shall document, to the extent feasible (and by access granted by individual property owners), the preconstruction baseline conditions by inspecting and reporting on the then-current foundation and structural condition of the off-site buildings and/or structures with ground-based foundations within 50 feet of any construction site boundaries.



During construction of the project, vibratory rollers shall not be operated within 30 feet of off-site buildings or other structures, and large bulldozers and loaded trucks shall not be operated within 15 feet of off-site buildings or other structures.

During construction, if any vibration levels cause cosmetic or structural damage (including, but not limited to cracks in walls or ceilings [particularly around doors and windows]) to the off-site buildings within 50 feet of the project site, District staff shall immediately issue “stop-work” orders to the construction contractor to prevent further damage. Work shall not restart until the buildings are stabilized and/or preventive measures are implemented to relieve further damage to the building(s).

**Finding:**

The District hereby finds that implementation of Mitigation Measures N-1 and N-2 are feasible, and is therefore adopted (Public Resources Code § 21081[a][1], Guidelines § 15091[a][1]). Therefore, the District hereby finds that changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the final EIR.

**6. Transportation and Traffic**

**Impact 5.12-1b:** The peak-half-hour arrival and departure periods of the proposed school would cause significant traffic impacts at nearby intersections and street segments, and mitigation measures proposed are not within the purview and/or responsibility of the District.

**Project-Generated Traffic**

The anticipated traffic that would be generated by the proposed elementary school under an alternative peak half-hour traffic impact analysis is shown in Table 5.12-9, page 5.12-23 of the recirculated EIR. As shown, the projected vehicle trips are substantially higher than those used under the peak one-hour analysis (see Table 5.12-3, page 5.12-16 of the recirculated EIR). This is mainly due to higher trip generation values from the *Trip Generation Manual* (10th edition) for the elementary school land use category, which are substantially higher than those in the ITE 9th edition used for the one-hour peak analysis (see Table 5.12-3). Additionally, unlike the approach taken for Impact 5.12-1a, trip credit from the site’s most recent uses (preschool and adult school programs) were not applied for the peak half-hour analysis because traffic counts for the peak half-hour analysis were taken when the project site was vacant. Finally, the trip generation rates and projected traffic volumes generated in Table 5.12-9 represent those during the peak one-hour, even though the analysis assumes all the trips would occur during the peak half-hour periods.

The trips in Table 5.12-9 represent the total number of vehicle trips generated at the site, including staff/faculty vehicles, drop-off/pick-up activities, visitors, and deliveries. The analysis for the peak-half-hour analysis assumes the proposed school would generate 699 vehicles trips during the morning peak hour (377 inbound and 322 outbound), 357 trips during the afternoon peak hour (161 inbound and 196 outbound), and 1,250 vehicle trips per day. The volumes of traffic shown in Table 5.12-9 assumes all of the trips generated and distributed onto the street network are new (see Figure 4 of

Appendix M-2), even though most of the trips already exist—i.e., Hermosa View School (3rd grade students) and Hermosa Valley School (4th grade students)—and would be redirected to the project site.

### **Traffic Impact Analysis**

The peak 1-hour methodology is the typical approach used for analyzing traffic impacts of a proposed project and is the methodology used for traffic analyses for land development projects in the City of Hermosa Beach. This same peak hour methodology was adopted and used in the traffic analyses for the recently approved and adopted PLAN Hermosa.

Because schools generally experience an intense period of traffic flow for approximately 20 to 30 minutes within the peak one-hour study interval and based on public comments from the City of Hermosa Beach and community, a subsequent focused traffic analysis was conducted to evaluate the proposed school's impacts during the peak half-hour time frame. The 30-minute peak traffic consists of the highest traffic volumes in two consecutive 15-minute periods in the morning arrival and afternoon departure periods.

Traffic impacts of the proposed school were evaluated for the AM and PM peak half-hour under two baseline conditions: existing 2018 (when traffic counts were taken) and future 2019 (when the proposed school is targeted to open). The analysis quantifies the before-and-after traffic volumes for AM and PM under both baseline conditions, then determines the average delay values, levels of service, and traffic volumes at the study area intersections and street segments for “without project” and “with project” scenario.

### **Intersections**

In the half-hour peak analysis, the proposed project would result in potentially significant impacts during the AM arrival and PM dismissal periods under both existing 2018 and future 2019 conditions at the intersections of Valley Drive|Gould Avenue and Ardmore Avenue|Gould Avenue. The proposed project's contribution to the impacts at both intersections is 13.3 percent, which is based on the volume of project-generated traffic passing through the intersections divided by the total traffic volume at the intersections for the year 2019 scenario.<sup>4</sup>

Potential mitigation measures and project alternatives are discussed below and may include physical improvements at the impacted intersections (Nos. 1 and 2), placement of traffic control officers at the intersections (No. 3), and/or modifications of proposed school operations (Nos. 4 and 5).

### **1. Intersection Widening Mitigating Option**

Widening of the impacted intersections would increase their capacity and improve traffic flow.

The below improvements, as illustrated in Figure 5.12-2, *Potential Intersection Widening Improvements*, page 5.12-35 of recirculated EIR, could be made at the intersections:

---

<sup>4</sup> The project's share of the traffic volume would be 16.2 percent for the AM peak hour and 10.4 percent for the PM peak hour, the average of which is 13.3 percent. The total volume of traffic passing through the two intersections during the AM peak half-hour is 1,951 vehicles, of which 315 vehicles would be traffic generated by the school (which equates to 16.2 percent). The total volume of traffic passing through the two intersections during the PM peak hour-hour is 1,561 vehicles, of which 162 vehicles would be traffic generated by the school (which equals 10.4 percent).

- a. Valley Drive|Gould Avenue intersection:
  - i. Add a through lane in the eastbound direction on Gould Avenue, and
  - ii. Add a left turn lane in the southbound direction on Valley Drive.
- b. Ardmore Avenue|Gould Avenue intersection:
  - i. Add a through/right-turn lane in the eastbound direction on Gould Avenue.

If implemented, the capacity of both intersections would improve to LOS C or better for all of the “with project” scenarios during the AM and PM peak half-hour conditions. The Ardmore Avenue|Gould Avenue intersection would be improved from an existing LOS F to LOS D for the AM peak half-hour, and to LOS C for the PM peak half-hour.

Although the improvements would enhance traffic flow at the Valley Drive|Gould Avenue and Ardmore Avenue|Gould Avenue intersections, they would also cause secondary effects. Table 5.12-18, page 5.12-34 of recirculated EIR, summarizes the environmental impacts that would occur if the intersection widening improvements were adopted.

As shown in the table, the potential mitigation to widen the Valley Drive|Gould Avenue and Ardmore Avenue|Gould Avenue intersections would cause significant secondary effects under the resource areas of biological resources and land use. Additionally, the improvements are in neither the City of Hermosa Beach Capital Improvements Plan nor PLAN Hermosa. For these reasons and because the cost of the improvements is not proportionate to the short-term traffic impact that would occur only during the peak half-hour morning arrival and afternoon departure periods—and mitigation is not warranted under the standard one-hour peak period (see Impact 5.12-1a)—the City and District determined that the benefit of this potential mitigation measure would not outweigh the secondary environmental effects or its high cost to install. Therefore, this potential mitigation measure is not preferred.

## **2. Traffic Signalization Mitigating Option**

A compound traffic signal system at the Valley|Gould and Ardmore|Gould intersections would improve the capacity of the impacted intersections and increase the level of service to LOS B at the Valley|Gould intersection for the AM and PM peak half-hour periods, LOS D at the Ardmore|Gould intersection for the AM peak half-hour, and LOS B at the Ardmore|Gould intersection for the PM peak half-hour. The LOS would be acceptable, and traffic impacts at both intersections would be reduced to less than significant. The signals would be installed on public right-of-way, and neither open space nor on-street parking would be eliminated. Existing parkway trees would also not be affected by the traffic signals, and signal installation would not cause secondary environmental impacts.

This potential improvement, however, is not identified in the City of Hermosa Beach Capital Improvements Plan or PLAN Hermosa. Additionally, the cost to install the traffic signalization system would be approximately \$550,000, and there would also be ongoing costs to maintain the traffic signals. For these reasons and because the project’s traffic impacts would occur only during the peak half-hour morning arrival and afternoon departure periods—and mitigation is not warranted under the standard one-hour peak period (see Impact 5.12-1a)—neither the City nor District believe

this proposed capital improvement option is necessary. Therefore, this potential mitigation measure is not preferred.

### **3. Traffic Control Officers Mitigating Option**

Deployment of traffic control officers (TCOs) to direct traffic through the intersections during the proposed school's half-hour peak morning arrival and afternoon departure periods would fully mitigate traffic impacts at both Valley|Gould and Ardmere|Gould intersections to levels below significance. TCOs would enhance the flow of traffic and improve the levels of service in a manner similar to that of a traffic signal system during the times when the TCOs would be in place. No secondary, indirect environmental effects would occur from this potential mitigation measure.

According to the City of Hermosa Beach, deployment of a TCO(s) is warranted only if the impacted intersection operates at LOS F. As shown in Tables 5.12-10 through 5.12-13, pages 5.12-25 through 5.12-28 of recirculated EIR, the intersection of Ardmere|Gould would operate at LOS F only during the morning arrival period. Although the Valley|Gould intersection would operate at LOS E or better during the morning period, due to the proximity of the two intersections, it is recommended that a TCO is also deployed at this intersection during the morning arrival period for the proposed mitigation measure to be effective. Under this option, the project's fair share contribution for the cost of the TCOs would be the same as for the capital improvements discussed above: i.e., 13.3 percent. The District's contribution of 13.3 percent would be between \$945/year to \$1,676/year. This potential measure would mitigate the project's morning half-hour peak traffic impacts at the Valley|Gould and Ardmere|Gould intersections. The peak half-hour traffic impacts during the project's afternoon dismissal period would remain significant and unavoidable. This potential mitigation measure is feasible compared to others considered and has been included as Mitigation Measure TRAF-2b.

### **4. Staggered Bell Schedule Project Alternative Option**

Staggering the proposed school's bell schedule for third and fourth grades would reduce the intensity and traffic impacts at the Valley|Gould and Ardmere|Gould intersections. This potential mitigation measure would have no secondary environmental impacts.

If a 30-minute stagger is implemented, traffic impacts would be reduced to below significance (traffic delay would be less than the 10 percent threshold for intersections already operating at LOS D, E, or F) at the intersections of

- Ardmere Avenue|Gould Avenue during the AM peak half-hour
- Valley Avenue|Gould Avenue during the PM peak half-hour

Traffic impacts would remain significant and adverse at the intersections of

- Valley Avenue|Gould Avenue during the AM half-hour peak
- Ardmere Avenue|Gould Avenue during the PM half-hour peak

The District is unsure whether implementing a 30-minute stagger is legally feasible. Existing contracts with the District's teacher's union may limit implementation of this potential mitigation measure. Additionally, a staggered bell schedule would not align with the District educational

program. The District, however, is able to stagger the bell schedule by 15 minutes. While not as effective, staggering the bell schedule by 15 minutes would also improve the level of service at the impacted intersections, though impacts would remain significant and adverse. This potential mitigation measure has been included as Mitigation Measure TRAF-2a.

## **5. School Bus Shuttling Option**

The District considered operation of a bus to shuttle students from/to each of its schools. Under this mitigating option, the District would contract with a bus service company to shuttle student passengers from/to the District's schools, which would act as bus stops. Bus riders may include students who reside near the schools and/or those with siblings who attend the schools and are dropped off at the sibling's school to ride the bus. It would be speculative to determine ridership; however, assuming 20 students from North School used the bus shuttling program, impacts at the two intersections would remain significant and adverse. According to the City of Hermosa Beach, which currently contracts with a company to shuttle students for its STAR after-school program, the cost to hire a bus is approximately \$35,000 annually. Because the bus shuttling option would not reduce significant traffic impacts at the two impacted intersections, its cost is not proportional to its benefit (i.e., elimination of the significant traffic impacts), and mitigation is not warranted under the standard one-hour peak period (see Impact 5.12-1a), the District determined this option is not preferred.

### **Street Segments**

The proposed project would create potentially significant impacts at six segments on 24th Street, Morningside Drive, Park Avenue, 25th Street, 26th Street, and Myrtle Avenue during the AM and PM peak half-hours, under both existing 2018 and future 2019 conditions.

Potential mitigation may include street widening, parking restriction on one side of the impacted street during the AM and PM half-hour peak periods, and/or staggering the proposed school's bell schedule. Figure 5.12-3, *Project Impacted Street Segments*, page 5.12-45 of recirculated EIR, illustrates the potentially significant street segments. As shown, approximately 6,000 linear feet of public street would be impacted.

### **1. Street Widening Mitigating Option**

The street widening option would require the District to acquire private property, adjoining the affected street segments to expand the widths of the impacted segments, increase their operational capacities, and enhance traffic flow. The affected area is developed with public right-of-way; private property, including driveways, landscaped yards, and possibly building structures; above- and below-ground utility improvements; and City-maintained trees and facilities, such as light-poles and signs. The District would be required to widen the impacted street segments by five to eight feet.

Expanding five to eight feet of the impacted 6,000-foot length would affect an area between 30,000 and 48,000 square feet. Assuming there is no cost to use public right-of-way and public easements in this area, and for the purposes of this analysis, conservatively assuming 5 percent of the area is privately owned and the remainder is public right-of-way or public easement, the cost to acquire private property would be between \$804,492 and \$1.3 million, which is based on an estimated land cost of \$536 per square foot (see Table 5.12-19, page 5.12-41 of recirculated EIR). This cost does not include fees related to street-widening improvements and relocation of infrastructure.

This mitigating option would reduce the potentially significant short-term, half-hour peak traffic impacts at studied street segments to a less than significant level. However, it would likely have significant secondary effects on parkway trees and utilities services, and this option would be a huge undertaking for the District, as it would likely require condemnation. Moreover, the cost to implement this potential mitigation option would not be proportional to its short-term improvement to traffic congestion during the proposed school's peak half-hour morning arrival and afternoon departure periods. For these reasons and because traffic impacts at the study street segments do not occur during the standard one-hour peak period (see Impact 5.12-1a), the District and City determined that the benefits of this potential mitigating option do not outweigh its potential consequences. This potential measure is also not practical and is therefore not preferred.

## **2. Parking Restriction Mitigating Option**

The City of Hermosa Beach Municipal Code Sections 10.32.150, Parking Adjacent to Schools, and 10.32.160, Parking on Narrow Streets, authorize the City Traffic Engineer to restrict on-street parking. Section 10.32.150 authorizes the implementation of a “no parking” zone on the side of any street adjacent to a school property, and Section 10.32.160 authorizes the implementation of a “no parking” zone on one side of a narrow street.

Under this potential mitigation measure, signage would be installed on one side of the affected street segments that restricts on-street parking during the morning arrival and afternoon departure half-hour peak periods. Assuming a 15-minute staggered bell schedule of 8:15 AM to 2:45 PM and 8:30 AM to 3:00 PM, the signage could restrict parking between 8:00 AM and 9:00 AM and between 2:30 PM and 3:30 PM. The parking restriction would increase the capacity of impacted street segments and in effect double the capacity of the streets by providing an additional travel lane.

This option would mitigate the significant impacts on the segments of 24th Street, Morningside Drive, and Park Avenue; however, traffic impacts would remain significant on the street segments of 25th Street, 26th Street, and Myrtle Avenue—closest to the project site. Figure 5.12-3, shows the street segments that would remain significant during the peak half hour even after implementation of this potential mitigating option. Tables 17 to 20 of Appendix M-2, of the recirculated EIR, quantify the improved LOS at the impacted sections.

Implementation of this potential mitigation measure would result in significant and adverse secondary parking effects. As shown in Table 5.12-20, page 5.12-43 of recirculated EIR, this option would affect approximately 148 on-street parking spaces. The City has indicated that restriction of 148 on-street parking spaces is not acceptable or realistic. Therefore, this mitigation option is not preferred.

## **3. Modified Parking Restriction Mitigating Option**

The City will consider restricting on-street parking during the peak morning arrival and afternoon departure periods along street segments adjacent to the project site on the north side of 25th Street (between Myrtle Avenue and the site's eastern boundary), east side of Myrtle Avenue (between 25th and 26th Streets), and south side of 26th Street (between Myrtle Avenue and Morningside Drive).

Pursuant to HBMC Section 10.32.150, the City can consider restricting on-street parking on street segments adjacent to the proposed school site. A total of 26 on-street spaces, as modified by the proposed project, would be affected, including 9 spaces on 25th Street, 8 spaces on Myrtle Avenue, and 9 spaces on 26th Street. The 17 spaces on 25th Street and Myrtle Avenue would be designated passenger loading (i.e., Mitigation Measure TRAF-4).

In accordance with HBMC Section 10.32.160, the City can also consider restricting six on-street spaces on narrow streets that are adjacent to residential uses: two spaces on the north side of 25th Street at 301 25th Street, two spaces on the east side of Myrtle Avenue also adjacent to the residence at 301 25th Street, and two on-street spaces on the south side of 26th Street near 316 and 336 26th Street; Figure 5.12-4, *Affected On-Street Parking*, page 5.12-47 of recirculated EIR, shows the affected on-street spaces. Restricting parking at these six on-street spaces—in conjunction with parking restrictions of on-street spaces adjacent to the project site—would not eliminate significant traffic impacts at study street segments during the school’s half-hour peak morning arrival and afternoon dismissal periods. Impacts would remain significant and adverse; however, this mitigating option would nevertheless improve traffic circulation at the most impacted street segments. In combination with an adult monitoring valet program at the passenger loading areas (see Mitigation Measure TRAF-5c), traffic impacts and vehicle queueing on street segments approaching the loading zones would also improve, but remain significant and unavoidable.

Because the City indicated that the modified parking restriction option is more agreeable than Option No. 2, above, and will consider it, this potential mitigation measure has been included as Mitigation Measure TRAF-3.

#### **4. Staggered Bell Schedule Project Alternative Option**

This project alternative would require staggering the proposed school’s bell schedule so that the start and end times for third and fourth grades would be offset. To fully mitigate the potentially significant impact at the study street segments, the schedule would need to be staggered by 30 minutes, which would reduce the peak surge of traffic by approximately 50 percent and result in effects comparable to that of parking restrictions (see No. 2, above). Although not as effective, staggering the bell schedule by 15 minutes would also improve the level of service at the street segments, but traffic impacts would remain significant and adverse. This potential mitigation measure—whether staggering by 15 or 30 minutes—would have no secondary environmental impacts. The District would be able to implement a 15-minute staggered schedule for the proposed North School; however, a 30-minute stagger may not be feasible due to existing teacher contracts and due to the District’s educational program. This potential mitigation measure has been included as Mitigation Measure TRAF-2a.

#### **5. Valley Park Community Building Lot Project Alternative Option**

This project alternative would involve use of the parking lot behind the Kiwanis/Rotary Club building at Valley Park as an official District-operated passenger loading area. Under this alternative, the parking lot would be resurfaced and restriped, and new signs would be installed for ingress via the northern driveway and egress via the southern driveway. Additional passenger loading signs would be installed to restrict parking on school days during the morning drop-off

and afternoon dismissal periods. Since it would be a designated passenger loading area, the District would be required to improve access between the loading area and North School in compliance with California Building Code Standards and meet requirements of the American with Disabilities Act. The cost to make these improvements would be about \$200,000.

Because it would be a District-designated loading area, adult supervision may also be required; however, for the purpose of this discussion, it is assumed an adult volunteer would be available.

Use of the lot behind the Kiwanis/Rotary Club building as a secondary passenger loading area would limit vehicles from accessing the impacted study street segments and reduce traffic impacts on these streets. It would be speculative, however, to determine the number of families who would use this offsite passenger loading area and to quantify the reduced traffic effects on the impacted street segments. Assuming a staggered bell schedule is implemented and a quarter of the students who are driven to school at each bell schedule are dropped off at this loading area or on the segments of Gould Avenue and Valley Drive adjacent to the park, there would be a reduction of approximately 160 AM peak half-hour trips and 80 PM peak half-hour trips on the residential streets. Even with the reduction in trips, traffic impacts on the studied street segments would remain significant and adverse.

To limit traffic conflicts and hazards, use of the Kiwanis/Rotary Club parking lot would also require that neither club schedule meetings and activities during the morning and afternoon bell periods. Because the District does not own the Kiwanis/Rotary Club property the District would have no control over use of the property; therefore, while the District could establish a goal of entering into an agreement, the District would not be able to enforce these improvements as mitigation. It would further require the City to approve the proposed use of the parking and improvements, because the area affected is owned by the City. For these reasons, including the high cost for the proposed improvements, which is not proportional to the short-term half-hour peak traffic impacts during the morning arrival and afternoon departure periods, this alternative is not preferred and is considered economically and legally infeasible.

## **6. School Bus Shuttling Option**

As discussed above, the District considered hiring a bus to shuttle students from each of its school sites. Although it would be speculative to project ridership, assuming 20 students from the proposed North School project used the shuttling program, traffic impacts at the potentially significant street segments would still not be fully mitigated, and impacts would remain significant and adverse. As the bus shuttling option would not reduce significant traffic impacts at the studied street segments, the cost is not proportional to its benefit (i.e., shuttling would not eliminate the significant traffic impacts), and mitigation is not warranted under the standard one-hour peak period (see Impact 5.12-1a), the District determined this option is not preferred.

**Impact 5.12-3:** The project would not increase hazards caused by project design features or incompatible uses, nor would the project conflict with or decrease the performance or safety of alternative transportation modes. However, mitigation measures proposed are within the purview and/or responsibility of the City of Hermosa Beach.



### **Site Plan and Design**

All proposed improvements, except for the school driveway into the parking lot and passenger loading area on 25th Street, would be constructed on District-owned property. The design of the proposed project does not include sharp curves or dangerous intersections that would create a public safety hazard. The main vehicular access would be the driveway on 25th Street east of Myrtle Avenue and the service driveway, which also provides fire access to the center of the campus, is proposed at the northeast corner of the site on 26th Street at Morningside Drive. As the use of the service driveway would be limited to deliveries when students are not accessing the driveway and as it would form the third leg of the intersection, the use and design of the service driveway would not pose significant safety hazards.

Visibility along 25th Street from the school's main driveway would meet sight distance standards specified in Table 201.1 of Caltrans' "Highway Design Manual" and also would not pose safety hazards. Assuming the design speed of 25th Street is the same as the posted speed limit of 25 mph, the minimum sight distance standard from the driveway on 25th Street would be 150 feet. Observations at the existing driveway on 25th Street indicate that the sight distance to the east is 340 feet and the sight distance to the west is 280 feet. Therefore, the driveway would exceed the minimum sight distance requirement per the Highway Design Manual, as well as comply with Section 14010(k) of Title 5, California Code of Regulations, which requires peripheral visibility at school driveways.

The project proposes two passenger loading zones: the main loading area at the front of the school on 25th Street and a second along Myrtle Avenue adjacent to the project site. The northern half of 25th Street adjacent to the main school building would be widened by eight feet; the sidewalk would be moved northward accordingly. The pulled-in curb would allow vehicles to stop and load/unload students in a separate lane from the thru-lane on 25th Street. The design of the main loading zone does not contain features that would cause safety hazards, and the design of the proposed school campus would be compatible with the surrounding residential and park land uses.

### **Roadway Hazards**

#### **Construction**

Construction staging would be in the eastern portion of the project site, with direct access from the driveway at 26th Street and Morningside Drive. Due to the site's irregular shape and tight space, however, there may be deliveries and construction trucks on all sides of the site for certain work, including demolition of the existing buildings and construction of the new school building on 25th Street. Operation of construction vehicles will comply with applicable City requirements, including following the City-designated truck routes. It is also possible that certain activities may require temporary roadway or sidewalk closures and/or traffic detours that could increase roadway hazards. Mitigation Measure TRAF-6 has been proposed to limit potential roadway hazards caused by construction activities, and would reduce impacts to less than significant.

## **Operation**

### *Narrow Street Widths*

The widths of the streets near the project site are narrow and cannot readily accommodate both directions of traffic flow, particularly when vehicles are parked on both sides of the street. Vehicular circulation to and from the school site would be constrained during peak arrival and departure times at the beginning and ending of each school session as parents drop off and pick up students. The narrow streets would be an inconvenience for motorists and surrounding residences and would result in reduced vehicle speeds. Field observations made by the traffic engineer indicate that there are sufficient pull-out opportunities for vehicles traveling in opposite directions to pass when one of the drivers pulls over to an open curb (where no vehicles are parked) or a driveway to allow oncoming vehicles to pass. Therefore, with reduced vehicle speeds, traffic hazards due to the narrow roadways would be less than significant.

### *Passenger Loading*

Due to site constraints, including narrow roadways and an awkwardly shaped property, the District has designed the school's main passenger loading zone on 25th Street with a pull-in curb. This segment of 25th Street would be widened by eight feet, which would allow vehicles to get out of the westward thru-lane on 25th Street, stop, and load/unload students while other vehicles can pass through on 25th Street. Students who use this loading zone would access the school from the main walkway, east of the school's driveway. Students would not be required to cross streets or driveways. The student loading zone on 25th Street would be 180 linear feet; assuming a vehicle takes up about 20 feet of space, it would accommodate roughly 9 vehicles.

Drop-off and pick-up areas at schools should include at least one space for every 50 students, with a minimum of 5 spaces. The proposed school has a maximum design enrollment capacity of 510 seats and would require 11 passenger loading spaces. The proposed passenger loading zone on 25th Street would accommodate 9 vehicles. The loading area on 25th Street alone would not meet the minimum spaces required, and vehicles waiting to load/unload students on 25th Street would create a queue and potential traffic hazards along 25th Street.

Mitigation Measure TRAF-4 requires use of the north side of 25th Street and east side of Myrtle Avenue adjacent to the project site as designated passenger loading areas; both areas are within City right-of-way. Students using Myrtle Avenue would access the school from a pedestrian entry on 26th Street at the east side of the parking lot and would not be required to cross streets or driveways. With the use of Myrtle Avenue and 25th Street for passenger loading, the project—as mitigated—would provide 17 passenger loading spaces, which would exceed the minimum spaces required and reduce potential traffic hazards caused by vehicles stacked on 25th Street and Myrtle Avenue. Potentially significant traffic hazard impacts caused by inadequate passenger loading space would be reduced to less than significant.

Although the proposed project as mitigated would provide adequate passenger loading, it is possible that parents drop off and pick up their students at areas not officially designated by the District for student loading. It is possible that parents of North School students will drop off/pick up students at meet-up places such as Valley Park that have safe routes to school. It would be speculative to determine the percentage of students that would be dropped off and picked up at offsite the

locations. However, assuming parents use Valley Park as a meet-up place, the streets adjoining the park—including Valley Drive, 27th Street/Gould Avenue, and Morningside Drive—would have adequate pedestrian and sidewalk facilities that would provide safe access to the project site to the school's entrance on 26th Street at Morningside Drive. The pedestrian access point from the Morningside Drive cul-de-sac (southeast portion of the campus) could also be used. There is an existing asphalt ramp that connects the Valley Park to this entrance; however, the ramp and walkways in Valley Park are unlikely to be ADA compliant. There are 44 marked on-street parking spaces on the south side of Gould Avenue, 29 marked spaces on the west side of Valley Drive, and 25 spaces in the Rotary/Kiwanis Club parking lot. Use of Valley Park and other locations would further reduce vehicle traffic and associated roadway hazards on streets south of the project site. Traffic hazard impacts related to passenger loading would be less than significant.

*Vehicular, Bicycle, and Pedestrian Safety*

Although the project is in the northwestern portion of the City of Hermosa Beach, it is possible that students throughout the City would walk and bike to school. Based on a survey conducted by the City of Hermosa Beach in August 2016 in support of its Safe Routes to School recommendations in PLAN Hermosa (see Appendix M-4 of the recirculated EIR), it is anticipated that some students will walk and bike to school. It can be surmised that parents would be comfortable with their children walking to and from the proposed North School site and/or drive their children to a meet-up place, such as Valley Park, where they could safely walk to and from school.

The proposed school is in a residential community and not on a major arterial street with heavy traffic; this is consistent with Title 5, CCR Section 14010(l), which states school sites shall not be on major arterial streets with heavy traffic patterns. However, there are inadequate sidewalk facilities nearby the proposed North School site. Additionally, while the site has historically operated with educational uses, including at the time the environmental process began for the proposed project, streets in the vicinity of the project site do not have traffic control devices that adequately notify drivers of the existing facility or safely facilitate student pedestrians on the local circulation system. With the projected increase in pedestrian, bicycle, and vehicular movements near the project site would be a corresponding increase in potential conflicts and hazards on nearby streets and roads.

The project's potential vehicular, bicycle, and pedestrian safety hazards on streets near the proposed school site have been identified in part by the traffic engineer and community input. Recommendations, which have been identified as mitigation, are consistent with Caltrans criteria from Part 7, Traffic Control for School Areas. Figure 5.12-5, *Proposed Traffic Hazards Improvements*, page 5.12-55 of recirculated EIR, shows where the improvements would be made. Their implementation would reduce potentially significant traffic safety hazards related to vehicles, bicycles, and pedestrians on streets surrounding the project site to acceptable standards, and impacts would be less than significant, as mitigated.

- The widths of the local streets that provide access to the school site cannot readily accommodate both directions of traffic flow, particularly when vehicles are parked on both sides of the street. Consequently, vehicular circulation to and from the school site would be constrained during peak arrival and departure times at the beginning and ending of each school session. As the narrow streets in the school area would be adversely impacted because of the substantial increase in traffic volumes associated with the school, the following measures are recommended to facilitate the flow of traffic to and from the school site.

- The District, in conjunction with the City, shall prepare a Neighborhood Traffic Management Plan (NTMP) that will address traffic concerns on neighborhood streets, improve safety, and the quality-of-life for residents.
  - The District shall prepare a recommended vehicle travel routes to school map, such as Figure 5.12-6, *Recommended Vehicle Travel Routes to School*, page 5.12-59 of recirculated EIR.
  - Limit traffic traveling in the opposite direction of the street segments with proposed passenger loading zones by installing signs to restrict peak hour turning at the intersections of Myrtle Avenue|25th Street, Myrtle Avenue|26th Street, and Silverstrand|25th Street. The signs would include No Right Turn on northbound Myrtle at 25th Street, No Left Turn on southbound Myrtle at 25th Street, No Left turn on westbound 26th Street at Myrtle, and No Right Turn on northbound Silverstrand at 25th Street.
  - Install “Do Not Block Intersection” signs or mark “Keep Clear” on the pavements at the 25th Street|Park Avenue, 25th Street|Myrtle Avenue, and 26th Street|Myrtle Avenue intersections.
- Sidewalks near the project site are not continuous, and there are sidewalk obstructions, missing curb ramps, and steep driveways.
    - Prepare a “Pedestrian School Route Plan” to provide information for students, parents, and faculty regarding pedestrian and bicycle safety. and proposed traffic control devices, crosswalks, and pedestrian-accessways.
- To maximize the number of drop-off/pick-up spaces at the proposed school and limit vehicle stacking on adjacent streets, the following measures are recommended.
    - Designate passenger loading zones on the north side of 25th Street and the east side of Myrtle Avenue along the entire frontage of the school property by installing signs that state “Passenger Loading & Unloading Only, 8:00 to 9:00 AM & 2:30 to 3:30 PM, School Days” (or time periods deemed appropriate by the District and the City of Hermosa Beach to coincide with the proposed school’s peak drop-off and pick-up times).
    - If feasible, widen 25th Street and Myrtle Avenue by approximately 8 feet at the proposed passenger loading zones to create a separation between travel lanes and passenger loading activities.
    - As a part of the NTMP, prepare and implement a pedestrian monitoring and assistance plan that includes the assignment of adult personnel and volunteers on the north side of 25th Street and east side of Myrtle Avenue adjacent to the proposed school to control, direct, and advise students as they walk to and from the school grounds, to assist with vehicle drop-offs/pick-ups.
- Drivers and pedestrians may access streets near the school that have no school warning signs and markings.
    - Install school area warning signs to notify drivers that they are entering a school zone on 25th Street west of Myrtle Avenue, 25th Street east of the school site, 26th Street west of

Myrtle Avenue, Morningside Drive south of 27th Street/Gould Avenue, Myrtle Drive south of 25th Street, and Silverstrand Avenue south of the school site.

- Paint yellow school crosswalks at the intersections of 25th Street and Myrtle Avenue (all four legs), 26th Street and Myrtle Avenue (south leg), and 27th Street/Gould Avenue at Morningside Drive (all four legs).
- Increased vehicle and pedestrian activity will occur at the intersection of 25th Street and Myrtle Avenue.
  - In addition to crossing guards identified in the City’s safe routes to school map, the District shall work cooperatively with the City of Hermosa Beach to seek funding for circulation and safety measures, including a qualified crossing guard at the intersection of 25th Street and Myrtle Avenue.

**Impact 5.12-6:** Secondary effects caused by Mitigation Measures TRAF-3 and TRAF-4 would alter on-street parking. Construction-related parking impacts would be limited with mitigating construction-contract terms.

## **Construction**

Although construction staging and parking are proposed in the eastern portion of the site, the new parking lot on the west side (when complete) may also be used, because space is limited. Most vehicles will access the site from the driveway at 26th Street and Morningside Drive. However, there could be deliveries and construction trucks on all sides of the school during certain times. Even though existing parking restrictions on the surrounding streets would be enforced, construction of the proposed school would last (on-and-off) for roughly one year. To ensure that construction parking does not create a significant impact, mitigation has been proposed.

## **School Operations**

### **Onsite Parking**

The California Department of Education recommends that a school have at least 2.25 parking spaces per classroom/teaching station. Accordingly, the proposed school, with 15 classrooms, 2 labs, and 1 learning center/library—considered 18 teaching stations for a conservative analysis—would require 41 on-site parking spaces. The project proposes 41 on-site parking spaces. These spaces would accommodate faculty, staff, and visitors on a typical school day.

### **Offsite Parking**

Offsite improvements on 25th Street and implementation of Mitigation Measures TRAF-3 and TRAF-4 would alter on-street parking on 25th Street, Myrtle Avenue, and 26th Street.

### *25th Street Improvements*

**Driveway.** The project includes improvements to the right-of-way along 25th Street adjacent to the project site; no physical improvements are proposed on the segments of Myrtle Avenue and 26th Street adjacent to the project site. The project proposes widening the site’s western driveway on 25th

Street from one lane to two to accommodate ingress into and egress out of the school's parking lot. This improvement would result in the loss of one curbside space. The loss of the on-street space would be offset, however, by closure and construction of curb and sidewalk at the site's eastern driveway on 25th Street. Therefore, the project's proposed driveway alterations would result in no net change to on-street parking.

**Passenger Loading.** The proposed passenger loading zone on 25th Street would result in the loss of one on-street space because the two ends of the pulled-in curb would render unusable approximately 10 feet on each end, or 20 feet total, which is the length of a vehicle space. The loss of this space would be offset by the project's proposed relocation of an existing fire hydrant from this segment of 25th Street to the eastern perimeter of the project site. Parking is not allowed within 15 feet on either side of a fire hydrant; 15 feet east of the relocated hydrant would extend into an adjacent resident's driveway, 15 feet to the west would extend into the angled curb area of the loading zone. Table 5.12-21, *On-Street Parking, School Frontage on 25th Street*, page 5.12-66 of recirculated EIR, compares the existing and proposed parking restrictions and improvements along the project's approximately 250-foot street frontage on 25th Street. The table assumes Mitigation Measure TRAF-4 is approved by the City of Hermosa Beach. As shown, the project would not result in the physical loss of on-street parking on 25th Street; the project would actually increase the available supply of on-street parking, during the day, outside the peak morning and afternoon periods.

Implementation of Mitigation Measures TRAF-3 and TRAF-4 would restrict use of 29 existing on-street spaces (or 32 project-modified on-street parking spaces) during the AM and PM peak periods. Although short term, affecting only a few hours of each school day and while outside the summer peak season, the secondary effects caused by TRAF-3 and TRAF-4 to on-street parking are considered significant and adverse.

#### **Special Events**

There would be several special events throughout the year, when the demand for parking would exceed the number of spaces in the parking lot. During these events, most of the event attendees would have to find parking on the nearby streets or in parking lots in the vicinity of the school. Because parking is at a premium in the project area and unoccupied spaces are usually difficult to find, there would be a substantial parking impact during such events, which typically occur in the evenings. However, these parking situations would be temporary—a few hours—and occur only four to six times annually. Therefore, parking impacts caused by special events would not constitute a significant environmental impact.

For field trips, buses would be used to transport students to and from the school site. Because there are no designated bus parking zones at the school site, temporary arrangements would be needed for short-term bus parking. For example, buses could park in the drop-off/pick-up zone on 25th Street or Myrtle Avenue adjacent to the school; these areas could be blocked with cones after the peak drop-off period ends to reserve the curbside area for the buses. Alternatively, the buses could be parked in the circulation aisles of the school's parking lot or along Gould Avenue, Valley Drive, or another street or parking lot within walking distance of the school. This is an operational issue that is not within the purview of CEQA and would be handled by the District separately.

Mitigation:

**Impact 5.12-1b**

TRAF-1 The District shall develop a Transportation Management Program to emphasize use, awareness, and safety of public transit, ridesharing, walking, and bicycling to the proposed school site. The program shall consider contracting a bus service to pick up student passengers at each District school and transport them to the next school. The District shall also consider a “Walking School Bus” program to facilitate group walking of children to and from school and/or between schools with one or more adults. The District shall provide information on the availability and benefits of the various travel modes to faculty/staff, students, and parents and offer incentives to faculty/staff for using public transit or carpools.

TRAF-2 Half-hour peak traffic impacts at the intersections of Valley Drive|Gould Avenue and Ardmore Avenue|Gould Avenue shall be improved by one or more of the following:

- a. Prior to the opening of the proposed school, the District shall stagger the proposed school’s bell schedule so that the starting and ending times for third and fourth grades would be offset by 30 minutes. The staggered schedule would separate arrival and departure times for the two grade levels and reduce peak traffic surge by approximately 50 percent. If the starting and ending times for the two grade levels cannot be staggered by 30 minutes, a smaller, more practical time interval such as 15 minutes shall be implemented.
- b. If the District cannot stagger the bell schedule by 30 minutes, the District shall pay an ad-hoc, fair-share contribution of 13.3 percent to the City of Hermosa Beach for deployment of traffic control officers or implementation of another economically comparable improvement at Valley Drive|Gould Avenue and/or Ardmore Avenue|Gould Avenue intersections during the morning arrival and/or afternoon departure peak periods. The traffic control officers or other economically comparable improvement shall be available and/or operable by the first day of school. Deployment of traffic control officers and/or use of another economically comparable improvement shall be reviewed and approved by the City of Hermosa Beach.

TRAF-3 In conjunction with parking restrictions required to designate City right-of-way, adjacent to the project site on 25th Street and Myrtle Avenue as student passenger loading (see TRAF-4), prior to opening the proposed school, additional parking restriction signage shall be installed on the north side of 25th Street (near 301 25th Street), east side of Myrtle Avenue (near the residence of 301 25th Street), and south side of 26th Street (near 316 and 336 26th Street) to provide a continuous, unobstructed path from the passenger loading areas to the intersection of Gould Avenue and Morningside Drive. The sign shall state, “No Parking, 8 AM to 9 AM & 2:30 PM to 3:30 PM, School Days” (or time periods deemed appropriate based on the staggered bell schedule per Mitigation Measure TRAF-2a). The signs will be subject to review and approval by the City of Hermosa Beach.

**Impact 5.12-3**

TRAF-1 See above under Impact 5.12-1b.

TRAF-4 The following shall be implemented to enhance passenger loading activities:

- a. Prior to opening the proposed school, the District shall work with the City to designate passenger loading zones on the north side of 25th Street and east side of Myrtle Avenue, adjoining the frontages of the proposed school site. Use of City right-of-way will be subject to review and approval by the City of Hermosa Beach.
- b. Prior to opening the proposed school, the District shall work with the City to install signs at the passenger loading zones that state: “Passenger Loading & Unloading Only, 8 AM to 9 AM & 2:30 PM to 3:30 PM, School Days” (or time periods deemed appropriate based on the staggered bell schedule per Mitigation Measure TRAF-2a). The signs will be subject to review and approval by the City of Hermosa Beach.

TRAF-5 To enhance traffic safety and awareness for vehicular, bicycle, and pedestrian movements, the following measures shall be implemented to comply with standards included in the California Manual on Uniform Traffic Control Devices, Part 7, Traffic Control For School Areas:

- a. The District shall prepare a “Pedestrian School Route Plan” to educate parents, students and staff of pedestrian and bicycle safety. The plan shall provide guidance on the preferred travel routes and locations to cross-streets based on the existing and proposed traffic control devices and crosswalks. The Pedestrian School Route Plan shall include the City-prepared School Routes Plan (Figure 5.12-7, *Safe Routes to School Network*) and shall be completed prior to the opening of the proposed school. The plan shall be distributed to students and parents at the beginning of each school year and to all new students/parents who begin school midyear. It shall also be available on the school’s website as a public outreach tool.
- b. The District shall prepare a “Recommended Vehicle Travel Routes Map” (see Figure 5.12-6, *Recommended Vehicle Travel Routes to School*) to limit two-way travel on streets in the immediate vicinity of the proposed school site. The map of vehicle travel routes to school shall be completed and available for distribution to students and parents by the first day of school; it shall be made available on the school’s website as a public outreach tool.
- c. To maximize the number of passenger loading spaces at the proposed school, limit vehicle stacking on adjacent streets, and improve pedestrian safety on streets adjoining the project site, the District shall prepare and implement a “Pedestrian Monitoring and Assistance Plan” by the first day of school that includes:



- i. Assignment of adult personnel and volunteers at the passenger loading zones on the north side of 25th Street and east side of Myrtle Avenue to control, direct, and guide students as they walk to and from school grounds.
  - ii. Procedures for the adult personnel and volunteers include but are not limited to
    - A. Directing vehicles to stop at the spaces at the front of the passenger loading zones, when unoccupied, to facilitate vehicle flow.
    - B. Creating a vehicle valet system, such as opening car doors.
    - C. Discouraging students from crossing 25th Street in front of the school, including at the intersection of Silverstrand Avenue.
    - D. Directing students using the Myrtle Avenue passenger loading zone to access school grounds from the entry on 26th Street, at the eastern perimeter of the proposed school parking lot.
  - d. The District, in conjunction with the City of Hermosa Beach, shall create a working group—including but not limited to representatives from the City and District—to prepare and implement an ongoing Neighborhood Traffic Management Plan (NTMP) to identify operational traffic concerns on adjacent streets and ways to manage them accordingly. Development of the NTMP shall begin at least nine months prior to the opening of the proposed school to ensure its timely completion prior to the opening of the proposed school. The NTMP shall be updated as needed to meet its purpose to improve pedestrian, bicycle, and vehicular safety; enhance the quality-of-life for surrounding land uses caused by speeding vehicles and careless drivers; and help the District and City to prioritize limited resources. The NTMP shall be distributed to students and parents and be available on the school’s website as a public outreach tool.
- If operational traffic safety hazards remain after all improvements identified in Mitigation Measure TRAF-5 are implemented, the NTMP working group shall consider additional ways to manage traffic safety and vehicle queuing and stacking at “problem areas,” including but not limited to:
- i. Painting curbs red at intersections, if warranted.
  - ii. Installing additional traffic control improvements, offsite loading areas, crossing guards, if needed.
  - iii. Installing additional stop and/or yield signs and other signage that restricts turning movements during peak traffic periods, as warranted.
  - iv. Restricting more on-street parking during peak traffic periods, if appropriate.
  - v. Widening the passenger loading zone on Myrtle Avenue adjacent to the proposed school by eight feet, if warranted.

- e. The District shall work with the City to install school area warning signs to notify drivers that they are entering a school zone on 25th Street west of Myrtle Avenue, 25th Street east of the school site, 26th Street west of Myrtle Avenue, Morningside Drive south of 27th Street|Gould Avenue, Myrtle Drive south of 25th Street, and Silverstrand Avenue south of the project site. The signs shall be subject to review and approval by the City of Hermosa Beach.
- f. The District shall work with the City to install yellow school crosswalks at the intersections of 25th Street and Myrtle Avenue (all four legs), 26th Street and Myrtle Avenue (south leg), and 27th Street|Gould Avenue at Morningside Drive (all four legs). The yellow school crosswalks shall be subject to review and approval by the City of Hermosa Beach.
- g. To minimize the volumes of traffic traveling in the opposite direction of street segments with passenger loading zones, the District shall work with the City of Hermosa Beach to install signage to restrict peak hour turning movements onto 25th Street and Myrtle Avenue. Sign text may include “No Right (or Left) Turn from 8 AM to 9 AM & 2:30 PM to 3:30 PM, School Days.” Signs shall be installed at the below intersections and be subject to review and approval by the City of Hermosa Beach:
  - i. **Myrtle Avenue | 25th Street:** No Right Turn on northbound Myrtle at 25th Street and No Left Turn on southbound Myrtle at 25th Street
  - ii. **Myrtle Avenue | 26th Street:** No Left Turn on westbound 26th Street at Myrtle Avenue
  - iii. **Silverstrand | 25th Street:** No Right Turn on northbound Silverstrand at 25th.
- h. To facilitate the flow of traffic to and from the school site and enhance vehicular circulation, the District shall work with the City of Hermosa Beach to either install “Do Not Block Intersection” signs or mark “Keep Clear” on the pavements at the intersections of 25th Street|Park Avenue, 25th Street|Myrtle Avenue, and 26th Street|Myrtle Avenue.
- i. In addition to crossing guards identified in the City’s safe routes to school map (Figure 5.12-7), the District shall work with the City of Hermosa Beach to seek funding for a qualified crossing guard at the intersection of 25th Street and Myrtle Avenue and for other appropriate circulation and safety measures recommended in the NTMP.

TRAF-6 To limit potential hazards caused by temporary roadway or sidewalk closures and/or traffic detours caused by project construction, the District shall require its construction contractors to submit a construction work site traffic control plan to the City of Hermosa Beach for approval prior to the start of any construction at the project site. The plan shall show all haul routes, construction hours, protective devices, warning signs, parking/staging areas, and access points to the property. The District shall encourage its contractors to limit construction-related trucks to off-peak commute

periods. Applicable transportation-related safety measures shall be implemented during construction.

**Impact 5.12-6**

TRAF-7 The District shall prohibit its construction contractors to park construction vehicles and equipment and employee personal vehicles on the City-classified local streets. All construction-related vehicles and equipment shall park within the project site and/or at offsite, off-street locations at the expense of the construction contractor.

**Findings:**

The District hereby finds that implementation of Mitigation Measures TRAF-1 through 7 are feasible, and are therefore adopted (Public Resources Code § 21081[a][1], Guidelines § 15091[a][1]). Therefore, the District hereby finds that changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the final EIR.

**7. Tribal Cultural Resources**

**Impact 5.13-2:** Adverse change in Native American resource during construction activities.

The project's Historical Resources Assessment Report evaluated whether the project site and the structures on the property qualify as historical resources based on PRC Section 5024.1(c). Based on an evaluation of the history of Hermosa Beach and of documentation of the built improvements on the property, the assessment concluded that the buildings and the property itself do not meet the criteria listed in PRC Section 5024.1(c) to qualify them as historical cultural resources. Section 5.4, *Cultural Resources*, and Appendix E, of the Draft EIR, further discusses this determination.

However, it is known that Native American tribes accessed the entire Los Angeles basin prior to the urbanization of the region. The Gabrieleño/Tongva San Gabriel Band of Mission Indians identified the site as being within their geographic area and as culturally sensitive to the Gabrieleño/Tongva people. The Soboba Band of Luiseno Indians' has also indicated that the City of Hermosa Beach is within their traditional use area. As excavation for the proposed buildings' foundations and footings may encounter undisturbed soils, it is possible that construction-related earthwork may inadvertently uncover buried tribal cultural artifacts.

Although the project site was previously graded during construction of the existing site, due to the excavation required for installation of the proposed improvements, it is possible that project implementation would encounter undisturbed soils, and project implementation could potentially result in the discovery of subsurface tribal resources and cause a substantial adverse change in the significance of the resources if not mitigated.

TCR-1 In addition to implementing Mitigation Measure CUL-1, which requires a registered professional archaeologist (RPA) to monitor ground-disturbing activities for the discovery of potential historical or archaeological resources, the RPA shall also monitor for potential tribal cultural resources. If tribal cultural resources are recovered, the RPA shall contact the liaisons for the local Native American tribes,

including their Native American monitors, to assess the find and as appropriate return the artifact to the appropriate tribe(s).

**Finding:**

The District hereby finds that implementation of Mitigation Measure TCR-1 is feasible, and is therefore adopted (Public Resources Code § 21081[a][1], Guidelines § 15091[a][1]). Therefore, the District hereby finds that changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the final EIR.

**D. Significant Unavoidable Adverse Impacts**

**Impact 5.12-1b: Half-Hour Peak Traffic Impacts Remain Significant and Unavoidable**

The District is committed to implementing Mitigation Measure TRAF-1. However, this mitigation measure alone will not reduce potentially significant project-level and cumulatively considerable traffic impacts at the intersections of Valley Drive|Gould Avenue and Ardmore Avenue|Gould Avenue and the street segments of 24th Street, Morningside Drive, and Park Avenue, 25th Street, 26th Street, and Myrtle Avenue.

**Intersections**

The project's peak half-hour traffic impacts at the intersections of Valley Drive|Gould Avenue and Ardmore Avenue|Gould Avenue would be fully mitigated and reduced to acceptable levels of service standards at both project and cumulative levels with the implementation of a 30-minute staggered bell schedule (TRAF-2). Due to existing contracts with District teachers and the District's educational program, the District is unlikely to be able to stagger the bell schedule by 30 minutes. The District, however, is committed to staggering the bell schedule by at least 15 minutes; staggering by less than 30 minutes will not fully mitigate significant peak half-hour traffic impacts at the intersections. The District is also committed to paying their ad-hoc, fair-share contribution of 13.3 percent to deploy traffic control officers at both intersections. Deployment of the TCOs would improve the level of service to acceptable standards; however, fee payment would not fully mitigate the impact at the intersections to a "less-than-significant" level, as it is uncertain whether other funds are available to match the District's fair-share contribution and because the hiring and deployment of the TCOs are within the City's purview and City's legal responsibility. Therefore, project impacts at the Valley Drive|Gould Avenue and Ardmore Avenue|Gould Avenue intersections remain significant and unavoidable.

**Street Segments**

As indicated above, the District is committed to staggering the school's bell schedule by 15 minutes. It is uncertain at this time whether a 30-minute stagger can be implemented by the District (TRAF-2); if it can, with the exception of studied segments along 25th Street, 26th Street, and Myrtle Avenue, traffic impacts at all other studied street segments would be reduced to levels below significance.

The City has indicated that it is not practical to restrict parking on all impacted street segments. It will, however, consider restricting on-street parking adjacent to the school site on 25th Street, 26th Street, and Myrtle Avenue (TRAF-4). The City will also consider restricting two additional on-street parking spaces on 25th Street (between Myrtle Avenue and the eastern property line), 26th Street (between Myrtle Avenue and Morningside Drive), and Myrtle Avenue (between 25th and 26th streets)—or six additional on-street spaces—for continuous, unobstructed traffic flow (TRAF-3).

As it is uncertain whether the District can implement a 30-minute bell stagger and whether the City will approve parking restrictions along 25th Street, 26th Street, and Myrtle Avenue, and as traffic impacts on the street segments of 25th Street, 26th Street, and Myrtle Avenue would remain significant and unavoidable even if the District implemented a 30-minute bell stagger, the project's impact on the studied street segments would remain significant and unavoidable. Implementation of proposed signage (TRAF-3) would occur on City right-of-way and within the jurisdiction and purview of another agency; therefore, TRAF-3 is legally infeasible, and Impact 5.12-1b remains significant and unavoidable.

### **Impact 5.12-3: Traffic Safety Hazard Impacts Remain Significant and Unavoidable**

Short-term project construction and long-term operational traffic hazards would be reduced to less than significant with the implementation of Mitigation Measures TRAF-1, TRAF-4, TRAF-5, and TRAF-6. However, the three latter mitigation measures would need to be implemented within City right-of-way and/or are the legal responsibility of the City. Therefore, they are legally infeasible, and Impact 5.12-3 remains significant and unavoidable.

- **Mitigation Measure TRAF-4.** Implementation of this mitigation measure would allow passenger loading activities on 25th Street and Myrtle Avenue. Potential traffic hazards caused by vehicles queueing would be reduced to acceptable standards, and impacts would be reduced from potentially significant to less than significant. The proposed use of City rights-of-way adjacent to the project site and installation of passenger loading signs to indicate their designated use are the legal responsibility of the City. Therefore, traffic hazards related to passenger loading would remain significant and unavoidable.
- **Mitigation Measure TRAF-5.** Traffic control procedures and devices under this mitigation measure would be consistent with the California Manual on Uniform Traffic Control Devices, Part 7, Traffic Control For School Areas, to notify drivers of the proposed school and facilitate student pedestrians and parents/drivers on the City's local circulation system to the proposed North School site. Compliance with the MUTCD Part 7 would result in efficient and uniform traffic controls that would mitigate potentially significant operational traffic hazards on the local circulation system caused by project operation. Some of the proposed improvements would be within City right-of-way and/or are the legal responsibility of the City. Therefore, traffic hazard impacts on nearby streets and roads caused by operation of the proposed school would remain significant and unavoidable.
- **Mitigation Measure TRAF-6.** The project's construction work site traffic control plan would reduce potentially significant traffic hazards during construction of the proposed project. The

plan, however, would require approval by the City. Consequently, traffic hazards caused by project construction would remain significant and unavoidable.

#### **Impact 5.12-6: Secondary Parking Effects Remain Significant and Unavoidable**

Implementation of TRAF-7, which the District will implement, would fully reduce potentially significant parking impacts during construction of the proposed project to less than significant levels. However, while implementation of Mitigation Measures TRAF-3 (improve half-hour peak traffic circulation on 25th Street, Myrtle Avenue, and 26th Street) and TRAF-4 (use of 25th Street and Myrtle Avenue as designated passenger loading) would increase the supply of on-street parking, they would also result in the restriction of on-street parking during the morning drop-off and afternoon pick-up periods. No mitigation is available to address parking restrictions caused by TRAF-3 and TRAF-4. The District acknowledges the potential inconvenience these mitigation measures will cause, but believes the benefits of the proposed school outweigh them. The District has determined that the secondary parking effects are significant and adverse.

**Finding:** The District finds, based on the Final EIR, and the whole of the record, that the proposed Project will result in significant and unavoidable impacts to transportation and traffic because improvements to intersections and street segments are not within the purview and/or responsibility of the District.

### **III. ALTERNATIVES TO THE PROPOSED PROJECT**

In preparing and adopting findings, a lead agency need not necessarily address the feasibility of both mitigation measures and environmentally superior alternatives when contemplating the approval of a project with significant environmental impacts. Where the significant impacts can be mitigated to less than significant by the adoption of mitigation measures, the lead agency has no obligation in drafting its findings to consider the feasibility of environmentally superior alternatives, even if their impacts would be less severe than those of the project as mitigated.

The potentially significant impacts and the mitigation measures that can avoid or reduce them below significance, and the Hermosa Beach City School District's findings concerning them, are set forth in Section III above. The mitigation measures also are set forth in the Mitigation Monitoring and Reporting Program adopted by the Hermosa Beach City School District pursuant to Public Resources Code Section 21081.6 and State CEQA Guidelines Section 15097.

The FEIR examined a reasonable range of alternatives to determine whether they could meet the project's objectives while avoiding or substantially lessening one or more of the project's significant impacts. Based on numerous community comments, the DEIR analyzed the below 19 project alternative variations:

- Alternate 1: Modernization of Existing North School Facilities
- Alternates 2a – 2b: New School within District Property (parking lot on District property and school would use Valley Park for physical education) and Expanded onto Valley Park (parking lot in Valley Park)
- Alternates 3a – 3d: Alternative Locations

- Alternate 4: Hybrid Option (alternative sites, including possible expansion of existing schools)
- Alternate 5: New School Expanded onto Valley Park (Design Per Measure Q)
- Alternate 6: New School with Underground Parking (Design Per Measure S)
- Alternate 7: New School Expanded onto Eastern Slope (Design Per Measure S)
- Alternate 8: Reduced Intensity by Grade Configuration
- Alternates 9a – 9b: Passenger Loading in (Proposed) Western Parking Lot
- Alternates 10a – 10c: Connect Morningside Drive at 26th Street to 25th Street or Morningside Drive
- Alternates 11a – 11b: School Building on Slope and New Road in Valley Park
- Alternative A: No Project (No Development)
- Alternative B: No Project (New Permanent Classroom Facilities at Valley and View Schools to Accommodate the Existing Enrollment Capacities)

#### **IV. STATEMENT OF OVERRIDING CONSIDERATIONS**

The Draft EIR includes thresholds of significance that are used to establish normally acceptable standards for Project impacts in the District. In many instances, the Project meets the standards without the need for modification. In some cases, mitigation measures have been required that modify the Project to reduce impacts to below the normally accepted thresholds. There are several instances where impacts cannot be reduced to a level below the normally accepted thresholds. While there are many reasons why this may occur, reasons usually fall into the following categories: the issue is much larger than the District's jurisdiction or capability to resolve; there are no feasible mitigation measures; the measures that are identified cannot be guaranteed to reduce the impact to less than significant; or the proportionate share of the mitigation for the Project is small and there is no identified source for the remainder of the funding. When an impact is above the normally accepted threshold and cannot be mitigated, the impact is identified as significant and unavoidable in the Draft EIR. The CEQA Guidelines allow the District to approve a Project with significant and unavoidable impacts provided specific findings are made.

1. The project keeps the existing school in the neighborhood;
2. Use of District owned land maximizes use of limited funds;
3. The school is adjacent to a park, which affords options for students before and after school.

As such, pursuant to CEQA Section 21081(b) and CEQA Guidelines Section 15093, the District has balanced the benefits of the proposed Project against the following unavoidable adverse impacts relating to transportation associated with the proposed Project, despite the adoption of all feasible mitigation measures. The District has also examined alternatives to the proposed Project, none of which meets both the Project objectives and is preferable to the proposed Project.



September 20, 2018

Paula Montalbo  
Business Manager  
Hermosa Beach City School District  
425 Valley Drive  
Hermosa Beach, CA 90254

VIA email: pmontablo@hbcasd.org

**RE: City of Hermosa Beach Comments on North School Reconstruction Project Draft Environmental Impact Report**

Dear Ms. Montalbo,

Thank you for the opportunity to review and comment on the recirculated sections of the Draft Environmental Impact Report (DEIR) for the North School Reconstruction Project ('Project') and for allowing additional time for our traffic engineers to collaborate on this issue before submitting our letter. This letter is not intended to replace the letter submitted by the City of Hermosa Beach in January 2018, which included comments on areas other than transportation, but rather build upon that letter given the additional transportation analysis and mitigations provided as part of the Recirculated Draft EIR.

The City would like to express its appreciation for the continued dialogue with the School District, and we regard this process as a meaningful opportunity to collaborate on addressing potential impacts to City services and infrastructure. While there are still some questions, which we have articulated in this letter, based on the additional analysis and information included in the recirculated Draft EIR, and our on-going coordination with the School District, **we are optimistic that the Final EIR will be able to provide the technical basis for a final project design and suite of mitigation measures that resolve environmental impacts to the greatest degree feasible.** We remain committed to working with the School District toward that end and look forward to finding effective solutions that mitigate significant traffic impacts and implement our collective community vision to provide exceptional local schools to the Hermosa Beach community.

**Role of the City of Hermosa Beach**

Given the location of the North School Reconstruction Project, on a small and constrained site within a residential neighborhood, the City recognizes that mitigation of all significant traffic impacts will not likely be possible without some use of, or changes to, City property or right-of-way and/or the allocation of City staff resources to further reduce significant impacts and potential inconveniences to the neighborhood. However, **the City maintains the previously-stated suggestions that the School District prioritize implementation of mitigation measures that are on-site or within their operational control, including on-site loading and unloading, prior to relying on mitigation measures that use City property, right-of-way, or operational resources.**





While the Project itself is not subject to approval by the City of Hermosa Beach, there are components of the proposed project which involve City property, right-of-way, or utility infrastructure (i.e. sewer connections, storm drains, etc.) that are subject to approval by the City. The range of possible measures being considered by the School District further considers measures that involve City personnel and ongoing operational or maintenance resources which will also require City approval to allocate ongoing funding and staffing resources toward those efforts. The City's decision makers will need to play an active role in evaluating and approving the mitigation methods considered in the DEIR that involve physical changes and use of City resources and personnel.

To that end, we feel this information is key for the City to properly evaluate the feasibility of those mitigation measures that fall under our jurisdiction, so that the CEQA analysis can disclose with certainty all *feasible* mitigation measures that can be implemented, and provide substantial evidence to support conclusions that certain mitigation measures are infeasible or ineffective.

## Analysis and Information to Inform the Recommendations of the City of Hermosa Beach

There are three key areas articulated in our previous letter related to requests for additional analysis or disclosure of information to determine both the potential significant impacts of the project and assist in evaluating the effectiveness of proposed mitigation measures.

### Level of Service Analysis

We would like to thank the School District for providing the additional level of service analysis in the Recirculated Draft EIR for a thirty-minute peak period, as we believe it provides a better depiction of the actual traffic conditions that may be experienced during the focused peak periods of school pick up and drop off.

### Loading/Unloading and Queuing

In our comment letter of January 2, 2018, we requested that the EIR analyze potential queuing through a quantitative analysis that, in turn, would then be used to verify the length of the loading zone needed to accommodate the maximum capacity of 510 students. The City's traffic engineer suggested that the analysis use actual school traffic data collected at the other two elementary schools in the District (CHB letter, page 8), and that this method would yield a robust and useful analysis.

The Recirculated DEIR does not provide this analysis and instead applies a factor of one (1) loading space per 50 students, a number found in "Traffic Operations and Safety at Schools: Recommended Guidelines" (Cooner et al 2004). However, this factor is not presented as a recommendation or a guideline in the source text, rather it is cited as one example of what other cities have done. Moreover, the one space per 50 students factor comes from schools in the City of Henderson, Nevada, where school buses are also provided. Because the schools in the City of Henderson provide buses, it can be implied that the demand for the student loading zone is significantly less. The actual rate applied at Henderson schools is one (1) vehicle loading space per 50 students **and** two (2) school bus loading spaces per 50 students. Because the North School Reconstruction does not propose to provide school buses or a bus loading zone, to the use this rate (one (1) vehicle loading space per 50 students) without further emphasis on how the proposed metric is relevant to the conditions in Hermosa Beach, it is difficult to assess whether the proposed loading zone(s) are adequate to avoid back up of vehicles queuing in the street



outside of the loading zone(s) and constrains the ability of the City and the School District to compare the effectiveness of the different mitigation measures.

It is the City's opinion that an evaluation of the adequacy of the proposed loading zones should not be postponed until mitigation measures are implemented after the project is approved, as suggested in the Recirculated DEIR (Page 6-5, TRAF-5 (d)(v)). It should instead be evaluated and disclosed prior to certification of the Final EIR in order to determine whether the proposed site plan provides sufficient space to accommodate the projected demand. The City recognizes there may be challenges to estimating the demand for loading/unloading and potential queuing impacts. Nevertheless, we suggest that a more thorough search of available technical reports along with the expertise of traffic engineers who have addressed this specific issue would yield the basis of a sufficiently rigorous analysis to serve as an estimate of potential impacts and a working hypothesis for adaptive management purposes. The City feels this analysis is important to determining whether queuing or stacking of vehicles into travel lanes creates an adverse impact, as it not only inhibits the efficient flow of the circulation system, but might also create secondary traffic safety hazards.

### **Walk and Bike to School Rates**

We previously expressed support for the District to rely on the data provided in the 2016 Safe Routes to School/Commute Survey administered by the School District and summarized by the City to estimate the current rates at which students walk and bike to school so that mitigation measures may be proposed that further encourage walking and biking to school. If it is helpful to this process, the City is willing to work with the District to administer a 2018 version of the survey, providing another data point that can be used to support the implementation of transportation demand management based mitigation measures.

### **City Input on Feasibility/Prioritization of Mitigation Measures**

Both the November 2017 DEIR and the recirculated sections conclude that impacts to the local circulation system are significant and unavoidable because "mitigation measures proposed are within the jurisdiction of the City of Hermosa Beach." Several pages of the recirculated Transportation and Traffic section are devoted to the discussion of whether or not specific measures are "preferred" or "warranted" or "feasible", even though the measures discussed are within City right-of-way and would necessitate the City's approval and participation.

The City suggests that all proposed mitigation measures should be left on the table unless there is definitive data and sound rationale to support the conclusion that mitigation measures are either not effective or not feasible. Determinations of feasibility, preference and desirability of specific methods for mitigating project impacts requires careful consideration by City of Hermosa Beach decision makers and at this stage it is premature to determine that certain mitigations are infeasible without formal review and consideration from the City. Rather than attempting to make decisions of feasibility and "preference" on behalf of the City, and in lieu of applying the blanket assertion that all mitigation measures within City right-of-way are "infeasible" because they involve the jurisdiction of another agency, the process would be better served, and mitigation of impacts more assured, if a definitive suite of effective and feasible mitigation measures were identified and incorporated into the Final EIR. This is consistent with the Neighborhood Traffic Management Plan (NMTP) proposed in mitigation measure TRAF-5 and could include provisions to adjust mitigation methods during the implementation phase in response to variations in enrollment levels at the school.



The City maintains the previously-stated suggestions that the School District prioritize implementation of mitigation measures that are on-site or within their operational control, including on-site loading and unloading, prior to relying on mitigation measures that use City property, right-of-way, or operational resources. This includes continued evaluation or further disclosure of the potential to accommodate, at least in part, loading and unloading of students on School District property. Additionally, please expand on the basis for the conclusion that staggered school schedules beyond 15 minutes is infeasible because it may conflict with teacher contracts. This seems like it could be a very useful, non-structural tool to control traffic and congestion and should be explored further (or the basis for rejecting explained in more detail).

The suite of mitigation measures should be developed to serve as the basis for decisions by the City and District on which measures are implemented, their timing, potential funding sources and appropriate cost-sharing formulas and the parties responsible for their implementation. The fair-share formulas used to calculate the fair-share percentages presented in the Recirculated DEIR for various mitigation measures are in need of further development or refinement between the City and School District. The mitigation package should further identify an appropriate prioritization and phasing plan that is linked to the anticipated impacts at varying student enrollment levels. Details on the mitigation measures should be sufficient to determine their feasibility, estimated cost and secondary impacts, if any. For those measures that would result in secondary physical impacts the package should identify secondary mitigation or avoidance measures, if feasible, also at a conceptual level.

This information should be included in the Final EIR and provided to our City Council prior to FEIR certification so the City's decision makers can provide, at a minimum, conceptual approval of measures involving City property, right-of-way, or resources. This assurance can serve as evidence to the District and in the FEIR that the mitigation package is feasible. The conceptually approved package would become part of the Mitigation Monitoring and Reporting Program for the project. We respectfully request that the EIR not eliminate any of the potential mitigating measures without completing this process.

For the City to best assist the District in its process and play a productive role in resolving which mitigation measures are feasible or infeasible, it is extremely important that a well-vetted and prioritized mitigation package is developed that identifies realistic costs and benefits of specific mitigation methods, along with an estimation of the degree of mitigation expected to be achieved (based on substantial evidence).

## City Recommendations on Process Moving Forward

We believe the comments contained within this letter will not only strengthen the School District's process, but provide additional certainty to the Final EIR related to: the level of impacts that will result from the project, the mitigation measures that can realistically be expected to be implemented, the level of mitigation those measures are expected to achieve, and the costs and means for implementing them.

The City recommends the School District formally submit the requests and necessary supporting materials to the City on those mitigation measures that involve the use of City property/right-of-way or services at the earliest opportunity possible, to allow staff to thoroughly evaluate and make recommendations. These components must comply with the City's standards and adhere to the City's processes for submittal, review, recommendation, and approval. Based on the requests submitted, staff will determine the appropriate decision-making body to review and



approve these components, which may be a staff, commission, or City Council-level decision. In the event certain requests are denied, the City will provide the District with findings to articulate the rationale for determining a proposed mitigation is infeasible. If there is substantial evidence available now to determine certain proposed mitigation is infeasible, it should be documented in the EIR. However, we believe that between our two agencies there is a combination of mitigation measures that will work together to mitigate impacts at different levels of enrollment.

In achieving these objectives, the process not only aligns the City and the District along an implementation path that is practicable and mutually acceptable to both parties, it also fortifies the project's CEQA process by fully disclosing the project's impacts and documenting (with supporting substantial evidence) that all feasible mitigation measures have been implemented per CEQA.

### Conclusion

Thank you again for the opportunity to provide these comments. The City remains committed to collaborating with the School District through this process for the North School project and other initiatives to improve the trip to and from school at all of the District's campuses, and we look forward to continuing the dialogue on these matters. Our staff and traffic engineer are available to discuss these comments and data needs in more detail. We have found in-person collaboration and problem solving sessions helpful when trying to assess impacts and mitigations where multiple agencies are involved and we look forward to continuing this conversation.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Suja Lowenthal'.

Suja Lowenthal  
City Manager  
City of Hermosa Beach

Miyo Prassas  
 1753 Valley Park Avenue  
 Hermosa Beach, CA 90254  
[jwprassas@yahoo.com](mailto:jwprassas@yahoo.com)

September 26, 2018

Mr. Gerald J. Stock, PE, TE  
 Executive Vice-President  
 Hartzog & Crabill, Inc.  
 17852 E. 17<sup>th</sup> Street, Suite 101  
 Tustin, CA 92780

Re: Inadequate, Non-Representative North School Reconstruction EIR Traffic Data for the City  
 Hermosa Beach, CA

Dear Mr. Stock,

As a concerned citizen of Hermosa Beach, I am writing to you regarding several serious discrepancies to be found in the Hermosa Beach City School District's recent traffic study for the North School Reconstruction Project. The recirculated draft EIR report on traffic impacts of proposed North School campus are located at <https://www.hbcasd.org/files/user/211/file/Recirculated%20DEIR-Reduced.pdf> and [https://www.hbcasd.org/files/user/211/file/Append\\_M1-M4.pdf](https://www.hbcasd.org/files/user/211/file/Append_M1-M4.pdf) - (Traffic Analysis Appendices).

The Recirculated North School Reconstruction Draft EIR, Chapter 5. Environmental Analysis Transportation and Traffic, Environmental Impacts, Impact Analysis, Approach states:

*"Traffic counts for the peak one-hour analysis were taken from 7:00 AM to 9:00 AM when District schools were in session: November 19, 2015; December 1, 2015; January 24, 2017; and January 26, 2017." Page 5.12-15*

However nowhere are the dates specified on page 5.12-15 (November 19, 2015, December 1, 2015, January 24, 2017 or January 25, 2017) identified on any tally sheet contained in the appendices. In fact approximately 50% of the Level of Service Calculation tally sheets in the Traffic Analysis Appendices show the date of 12/13/15 in the "Date Performed" field in the General Information of each tally sheet. **Critically 12/13/15 was a Sunday.** HBCSD children do not attend school on Sundays and Sunday morning traffic counts at 7 to 9 a.m. in the middle of winter are almost non-existent and NOT a good representative of normal school traffic.

My questions and observations of the information contained in this traffic study for the City of Hermosa Beach Traffic Engineer consultants and Public Works Director are:

#1. If the level of service calculations were taken on the dates specified on page 5.12.-15, why didn't the analyst, R. Garland, identify one of those dates in the 'Date Performed' field in the General Information of each tally sheet? Exactly which streets and intersections were tallied on the dates described on page 5.12-15?

#2. The only analyst identified on all the Level of Service Calculations sheets is 'R. Garland'. I understand that Richard Garland has a full time job as a Traffic Engineer for the City of Carson. Was Mr. Garland actually on leave from the City of Carson on the dates specified in the report when the traffic counts were performed?

#3. Is it physically possible for one analyst, R. Garland, to perform all traffic counts? If not, who were the other employees of Garland Associates who participated in the traffic counts? Why weren't other analysts who may have participated in the study identified on the various traffic count sheets? If other analysts were employed by Garland and Associates to perform Level of Service Calculations for this study what was their training and qualifications to accurately perform traffic counts?

#4. What was the methodology used to arrive at the volume figures in the Volume Adjustments and Site Characteristics section of each tally sheet? I noticed that the volume of traffic figures indicated in traffic counts were basically multiples of five. I would think that traffic volume counts would show more of an array of digits in their actual presentation than what is reported on the traffic count tally sheets by Garland and Associates.

#5. Not all the intersections listed in Table 5.12-10 AM Peak Half Hour, Existing (2018) Conditions have tally sheets in the appendices with the updated 5/7/18 date listed in the 'Date Performed' field. Seven of the intersections listed in the table have tally sheets with the date 12/13/15 in the 'Date Performed' field but are characterized/listed as 2018 existing levels.

The basic data information used to make assumptions in this study lacks sufficient disclosure and accountability which brings in to question the accuracy of this entire traffic study.

This traffic study is critically important in that it is supposed to aid district and city officials in keeping students safe traveling to and from the North School campus. The fact that there are so many obvious issues with the methodology used to create this report indicates extreme lack of concern for the safety of children and a truthful presentation of facts by the HBCSD Board of Trustees in the EIR. As a taxpayer I am also mindful of the possibility of a multi-million dollar settlement if a student were to be severely injured or killed traveling to and from the North School campus after the City had approved this extremely flawed HBCSD recirculated draft EIR traffic study. Therefore I believe it is imperative that the City of Hermosa Beach with the

assistance of their Traffic Consultants, Hartzog & Crabill, Inc., investigate my concerns before approving this traffic study.

Sincerely,



Miyo Prassas

Enclosures:

1. North School Reconstruction Draft EIR HBCSD, 5. Environmental Analysis Transportation and Traffic, 5.12.3 Environmental Impacts, Impact Analysis, Approach, page 5.12-15
2. North School Reconstruction Draft EIR HBCSD, Appendix 3, Level of Service Calculations, All-Way Stop Control Summary pages:
  - a. Morningside/27<sup>th</sup> Street, page 3M2-17
  - b. Valley Drive/Gould Ave., page 4M2-9
  - c. Park Ave./25<sup>th</sup> Street, page 3M2-25
  - d. Valley Drive/25<sup>th</sup> Street, page 4M2-17
3. North School Reconstruction Draft EIR HBCSD, 5. Environmental Analysis Transportation and Traffic, Table 5.12-10, page 5.12-25.

Cc: Mr. Nico DeAnda-Scaia, Assistant to the City Manager, City of Hermosa Beach  
Ms. Suja Lowenthal, City Manager, City of Hermosa Beach  
Ms. Leeanne Singelton, Environmental Analyst, City of Hermosa Beach  
Mr. Glen Kau, Public Works Director, City of Hermosa Beach

## 5. Environmental Analysis

### TRANSPORTATION AND TRAFFIC

The Initial Study, included as Appendix A, substantiates that the proposed project would not affect air traffic patterns. Therefore, Threshold T-3 will not be addressed in this EIR.

#### 5.12.3 Environmental Impacts

The following impact analysis addresses thresholds of significance for which the Initial Study disclosed potentially significant impacts. The applicable thresholds are identified in brackets after the impact statement.

---

**Impact 5.12-1a: The project would not conflict with an applicable plan, ordinance, or policy establishing measures of effectiveness for standard performance of the City of Hermosa Beach circulation system during the morning one-hour peak period. [Threshold T-1]**

---

#### *Impact Analysis:*

##### Approach

The approach for traffic impact analysis of development projects is typically to study the peak one-hour morning (7:00 AM to 9:00 AM) and/or afternoon (4:00 PM and 6:00 PM) conditions. For elementary school projects, the analysis is usually conducted for only the morning peak period, which would be the worst-case condition since vehicle trips generated by the school during morning drop-off activities would coincide with morning commuter traffic. Afternoon peak hour analysis is typically not conducted because school lets out between 2:00 PM and 3:00 PM, which is before the afternoon commuter peak period.

Impact 5.12-1a is based in part on *Traffic Impact Analysis for the Proposed North Elementary School – 417 25th Street – Hermosa Beach*, prepared by Garland Associates in April 2017 (2017 TIA), and revised in May 2018 (see Appendix M-1). The scope of the 2017 TIA traffic impact analysis—e.g., AM one-hour peak period and application of trip credits of operating uses at the project site—was based on consultation with the City of Hermosa Beach on March 27, 2017, and follow-up conversations with the Hermosa Beach Public Works Department. Once completed, the District submitted the traffic impact analysis to the City for review. In an email dated August 30, 2017, the City of Hermosa Beach Acting Public Works Director/City Engineer concurred with the technical findings of the 2017 TIA.

\* Traffic counts for the peak one-hour analysis were taken from 7:00 AM to 9:00 AM when District schools were in session: November 19, 2015; December 1, 2015; January 24, 2017; and January 26, 2017.

##### School Operations

##### *Project-Generated Traffic*

The trip generation rates and the anticipated volumes of traffic that would be generated by the project are shown in Table 5.12-3.



ALL-WAY STOP CONTROL ANALYSIS									
General Information					Site Information				
Analyst	R Garland				Intersection	Morningside Dr/27th Street			
Agency/Co.	Hermosa Beach City School Dist				Jurisdiction	City of Hermosa Beach			
Date Performed	12/13/2015				Analysis Year	2018 Existing			
Analysis Time Period	AM Peak Half Hour								
Project ID North Elementary School									
East/West Street: 27th Street/Gould Avenue					North/South Street: Morningside Drive				
Volume Adjustments and Site Characteristics									
Approach	Eastbound					Westbound			
Movement	L	T	R	L	T	R			
Volume (veh/h)	10	125	5	5	100	20			
%Thrus Left Lane									
Approach	Northbound					Southbound			
Movement	L	T	R	L	T	R			
Volume (veh/h)	5	10	10	30	5	5			
%Thrus Left Lane									
	Eastbound		Westbound		Northbound		Southbound		
	L1	L2	L1	L2	L1	L2	L1	L2	
Configuration	LTR		LTR		LTR		LTR		
PHF	0.50		0.50		0.50		0.50		
Flow Rate (veh/h)	280		250		50		80		
% Heavy Vehicles	0		0		0		0		
No. Lanes	1		1		1		1		
Geometry Group	1		1		1		1		
Duration, T	0.25								
Saturation Headway Adjustment Worksheet									
Prop. Left-Turns	0.1		0.0		0.2		0.8		
Prop. Right-Turns	0.0		0.2		0.4		0.1		
Prop. Heavy Vehicle	0.0		0.0		0.0		0.0		
hLT-adj	0.2	0.2	0.2	0.2	0.2	0.2	0.2	0.2	0.2
hRT-adj	-0.6	-0.6	-0.6	-0.6	-0.6	-0.6	-0.6	-0.6	-0.6
hHV-adj	1.7	1.7	1.7	1.7	1.7	1.7	1.7	1.7	1.7
hadj, computed	-0.0		-0.1		-0.2		0.1		
Departure Headway and Service Time									
hd, initial value (s)	3.20		3.20		3.20		3.20		
x, initial	0.25		0.22		0.04		0.07		
hd, final value (s)	4.54		4.49		5.06		5.28		
x, final value	0.35		0.31		0.07		0.12		
Move-up time, m (s)	2.0		2.0		2.0		2.0		
Service Time, t <sub>s</sub> (s)	2.5		2.5		3.1		3.3		
Capacity and Level of Service									
	Eastbound		Westbound		Northbound		Southbound		
	L1	L2	L1	L2	L1	L2	L1	L2	
Capacity (veh/h)	530		500		300		330		
Delay (s/veh)	9.99		9.52		8.44		8.98		
LOS	A		A		A		A		
Approach: Delay (s/veh)	9.99		9.52		8.44		8.98		
LOS	A		A		A		A		
Intersection Delay (s/veh)	9.57								
Intersection LOS	A								

### ALL-WAY STOP CONTROL ANALYSIS

General Information		Site Information	
Analyst	R Garland	Intersection	Valley Drive/Gould Avenue
Agency/Co.	Hermosa Beach City School Dist	Jurisdiction	City of Hermosa Beach
Date Performed	12/13/2015	Analysis Year	2018 Existing
Analysis Time Period			

Project ID North Elementary School	
East/West Street: Gould Avenue	North/South Street: Valley Drive

Volume Adjustments and Site Characteristics						
Approach	Eastbound			Westbound		
	L	T	R	L	T	R
Movement						
Volume (veh/h)	75	115	40	115	120	45
%Thrus Left Lane						

Approach	Northbound			Southbound		
	L	T	R	L	T	R
Movement						
Volume (veh/h)	5	35	70	40	85	5
%Thrus Left Lane						

	Eastbound		Westbound		Northbound		Southbound	
	L1	L2	L1	L2	L1	L2	L1	L2
Configuration	LT	R	L	TR	LT	R	LTR	
PHF	0.50	0.50	0.50	0.50	0.50	0.50	0.50	
Flow Rate (veh/h)	260	80	230	330	80	140	260	
% Heavy Vehicles	0	0	0	0	0	0	0	
No. Lanes	2		2		2		1	
Geometry Group	5		5		5		4b	
Duration, T	0.25							

Saturation Headway Adjustment Worksheet								
Prop. Left-Turns	0.1	0.0	1.0	0.0	0.1	0.0	0.3	
Prop. Right-Turns	0.0	1.0	0.0	0.3	0.0	1.0	0.0	
Prop. Heavy Vehicle	0.0	0.0	0.0	0.0	0.0	0.0	0.0	
hLT-adj	0.5	0.5	0.5	0.5	0.5	0.5	0.2	0.2
hRT-adj	-0.7	-0.7	-0.7	-0.7	-0.7	-0.7	-0.6	-0.6
hHV-adj	1.7	1.7	1.7	1.7	1.7	1.7	1.7	1.7
hadj, computed	0.1	-0.7	0.5	-0.2	0.1	-0.7	0.0	

Departure Headway and Service Time								
hd, initial value (s)	3.20	3.20	3.20	3.20	3.20	3.20	3.20	
x, initial	0.23	0.07	0.20	0.29	0.07	0.12	0.23	
hd, final value (s)	7.32	6.55	7.43	6.72	7.81	7.04	7.41	
x, final value	0.53	0.15	0.47	0.62	0.17	0.27	0.54	
Move-up time, m (s)	2.3		2.3		2.3		2.3	
Service Time, t <sub>s</sub> (s)	5.0	4.2	5.1	4.4	5.5	4.7	5.1	

Capacity and Level of Service								
	Eastbound		Westbound		Northbound		Southbound	
	L1	L2	L1	L2	L1	L2	L1	L2
Capacity (veh/h)	472	330	473	523	330	390	463	
Delay (s/veh)	17.94	10.36	16.66	19.63	12.15	12.37	18.34	
LOS	C	B	C	C	B	B	C	
Approach: Delay (s/veh)	16.16		18.41		12.29		18.34	
LOS	C		C		B		C	
Intersection Delay (s/veh)	16.86							
Intersection LOS	C							

**TWO-WAY STOP CONTROL SUMMARY**

General Information		Site Information	
Analyst	R Garland	Intersection	Park Avenue/25th Street
Agency/Co.	Hermosa Beach City School Dist	Jurisdiction	City of Hermosa Beach
Date Performed	12/13/2015	Analysis Year	2018 Existing
Analysis Time Period	AM Peak Half Hour		
Project Description North Elementary School			
East/West Street: 25th Street		North/South Street: Park Avenue	
Intersection Orientation: North-South		Study Period (hrs): 0.25	

Vehicle Volumes and Adjustments						
Major Street	Northbound			Southbound		
Movement	1	2	3	4	5	6
	L	T	R	L	T	R
Volume (veh/h)		15	5	5	15	
Peak-Hour Factor, PHF	1.00	0.50	0.50	0.50	0.50	1.00
Hourly Flow Rate, HFR (veh/h)	0	30	10	10	30	0
Percent Heavy Vehicles	0	--	--	0	--	--
Median Type	Undivided					
RT Channelized			0			0
Lanes	0	1	0	0	1	0
Configuration			TR	LT		
Upstream Signal		0			0	
Minor Street	Eastbound			Westbound		
Movement	7	8	9	10	11	12
	L	T	R	L	T	R
Volume (veh/h)				10		10
Peak-Hour Factor, PHF	1.00	1.00	1.00	0.50	1.00	0.50
Hourly Flow Rate, HFR (veh/h)	0	0	0	20	0	20
Percent Heavy Vehicles	0	0	0	0	0	0
Percent Grade (%)		0			0	
Flared Approach		N			N	
Storage		0			0	
RT Channelized			0			0
Lanes	0	0	0	0	0	0
Configuration					LR	

Delay, Queue Length, and Level of Service							
Approach	Northbound	Southbound	Westbound			Eastbound	
Movement	1	4	7	8	9	10	11 12
Lane Configuration		LT		LR			
v (veh/h)		10		40			
C (m) (veh/h)		1551		941			
v/c		0.01		0.04			
95% queue length		0.02		0.13			
Control Delay (s/veh)		7.3		9.0			
LOS		A		A			
Approach Delay (s/veh)	--	--		9.0			
Approach LOS	--	--		A			

TWO-WAY STOP CONTROL SUMMARY							
<b>General Information</b>				<b>Site Information</b>			
Analyst	R Garland			Intersection	Valley Drive/25th Street		
Agency/Co.	Hermosa Beach City School Dist			Jurisdiction	City of Hermosa Beach		
Date Performed	12/13/2015			Analysis Year	2018 Existing		
Analysis Time Period	AM Peak Half Hour						
Project Description North Elementary School							
East/West Street: 25th Street				North/South Street: Valley Drive			
Intersection Orientation: North-South				Study Period (hrs): 0.25			
<b>Vehicle Volumes and Adjustments</b>							
<b>Major Street</b>	Northbound			Southbound			
Movement	1	2	3	4	5	6	
	L	T	R	L	T	R	
Volume (veh/h)	5	100			230	10	
Peak-Hour Factor, PHF	0.50	0.50	1.00	1.00	0.50	0.50	
Hourly Flow Rate, HFR (veh/h)	10	200	0	0	460	20	
Percent Heavy Vehicles	0	--	--	0	--	--	
Median Type	Undivided						
RT Channelized			0				0
Lanes	0	1	0	0	1	0	
Configuration	LT						TR
Upstream Signal		0			0		
<b>Minor Street</b>	Eastbound			Westbound			
Movement	7	8	9	10	11	12	
	L	T	R	L	T	R	
Volume (veh/h)	10		5				
Peak-Hour Factor, PHF	0.50	1.00	0.50	1.00	1.00	1.00	
Hourly Flow Rate, HFR (veh/h)	20	0	10	0	0	0	
Percent Heavy Vehicles	0	0	0	0	0	0	
Percent Grade (%)		0			0		
Flared Approach		N			N		
Storage		0			0		
RT Channelized			0				0
Lanes	0	0	0	0	0	0	
Configuration		LR					
<b>Delay, Queue Length, and Level of Service</b>							
Approach	Northbound	Southbound	Westbound			Eastbound	
Movement	1	4	7	8	9	10	11 12
Lane Configuration	LT						LR
v (veh/h)	10						30
C (m) (veh/h)	1085						453
v/c	0.01						0.07
95% queue length	0.03						0.21
Control Delay (s/veh)	8.3						13.5
LOS	A						B
Approach Delay (s/veh)	--	--					13.5
Approach LOS	--	--					B

5. Environmental Analysis  
TRANSPORTATION AND TRAFFIC

Table 5.12-10 Project Impact on Intersection Levels of Service: AM Peak Half Hour, Existing (2018) Conditions

Intersection	Delay Value and Level of Service		Increase in Delay Value (seconds)	Significant Impact
	Existing (2018) Conditions	Existing (2018) Plus Project		
Manhattan Avenue 27th Street 5/7/18	15.9 - C	20.0 - C	4.1	No
Manhattan Avenue 26th Street 12/13/15	11.2 - B	15.9 - C	4.7	No
Manhattan Avenue 25th Street 5/7/18	8.7 - A	11.3 - B	2.6	No
Manhattan Avenue 24th Street 5/7/18	11.9 - B	18.1 - C	6.2	No
Myrtle Avenue 26th Street 5/7/18	8.8 - A	11.1 - B	2.3	No
Myrtle Avenue 25th Street 5/7/18	7.5 - A	12.8 - B	5.3	No
Myrtle Avenue 24th Street 12/13/15	9.0 - A	13.5 - B	4.5	No
Morningside Drive 27th St/Gould Ave 12/13/15	9.6 - A	12.4 - B	2.8	No
Park Avenue 25th Street 12/13/15	9.0 - A	12.0 - B	3.0	No
Park Avenue 24th Place 12/13/15	9.0 - A	10.2 - B	1.2	No
Park Avenue 24th Street 5/7/18	7.2 - A	8.9 - A	1.7	No
Park Avenue Monterey Boulevard 5/7/18	10.5 - B	12.6 - B	2.1	No
Valley Drive Gould Avenue 12/13/15	16.9 - C	34.4 - D	17.5	Yes
Valley Drive 25th Street 12/13/15	13.5 - B	16.6 - C	3.1	No
Valley Drive 24th Place 5/7/18	11.1 - B	12.0 - B	0.9	No
Valley Drive 24th Street 12/13/15	13.8 - B	18.0 - C	4.2	No
Ardmore Avenue Gould Avenue Traffic Volume through Intersection 5/7/18	50.1 - F 845 vphh*	106.9 - F 985 vphh*	56.8 16.6 %**	Yes

\* vphh = vehicles per half hour  
\*\* Percent increase in traffic volume through intersection

*PM Half-Hour Peak*

Table 5.12-11 shows the existing traffic conditions for the peak PM half-hour, the traffic conditions with the addition of the proposed school's traffic, and the increase in delay values after project implementation. As shown in the table, 15 of the 17 study intersections would continue to operate at acceptable levels of service (LOS A through C) during the peak PM half-hour for the scenario with the proposed school, and traffic impacts at these 15 intersections would not be significantly impacted. The levels of service at the intersections of Valley Drive|Gould Avenue and Ardmore Avenue|Gould Avenue would change from an acceptable LOS C to an unacceptable LOS D as a result of the additional school traffic, which is a significant impact according to the City's criteria.

*Submitted by  
Peter Tucker  
1/8/19 at mtg.*

LOCAL NEWS

## This might be the world's largest gift wrapping party and it's right here in the South Bay



Volunteers wrap donated gifts for children in need during the 26th Annual Beach Cities Toy Drive Saturday December 22, 2018 at the Joslyn Center in Manhattan Beach. Hermosa Cyclery donated 34 bicycles. (Photo by Robert Casillas, Contributing Photographer)

By **LISA JACOBS** | [lisa.jacobs@TBRnews.com](mailto:lisa.jacobs@TBRnews.com) |

PUBLISHED: December 23, 2018 at 12:47 am | UPDATED: December 23, 2018 at 1:34 am

What began in 1992 as a friendly competition between officials in Manhattan and Hermosa Beach to see which city could collect the most toys is now a favorite holiday tradition in the South Bay.

The Beach Cities Toy Drive, in its 26th year, gets help every year from big companies — such as Manhattan Beach-based Skechers — smaller businesses and residents. One man donates 25-35 bicycles each year and another gives sports equipment and helmets.

The massive, grassroots undertaking culminates each season with a wrapping party, which happened Saturday morning, Dec. 22. Volunteers come in the morning armed with paper, scissors, tape and bows. They wrapped, ate a donated lunch, wrapped some more. When the last gift was festooned, they went home to their families.

The wrapping party rotates each year between cities. This year's event was held at the Joslyn Center in Manhattan Beach.

---

Want local news?

## Sign up for the Localist and stay informed

Enter your email to subscribe

**SUBSCRIBE**

Tags: [community](#), [Holidays](#), [Top Stories Breeze](#)



SPONSORED CONTENT



RECEIVED  
2019 JAN -3 AM 8:36  
CITY CLERK'S OFFICE  
MANHATTAN BEACH, CA

December 26, 2018

Board of Directors

Chairman

R. Stephen Doan, Esq.

Vice Chairman

Ali Razi

President & CEO

Dr. Michael Arnold

Secretary

David R. Dean

Directors

Larry Adamson  
Saul Alvarado  
Maria Beckman  
Ed Begley, Jr.  
Katherine Christman  
Ronald Koretz, M.D.  
Mark L. Ibraman  
Kristina "Lina" Olson  
Ronald Robinson  
Mark S. Rothstein  
Steve Watson  
Jeremy Zhu

Managing Director

Clancy Inslund

Director Emeritus

H. Herbert Wilkins

Officer in Charge

Beach Cities Toy Drive  
1601 N. Valley Drive  
Manhattan Beach, CA 90266

Dear Sir/Madam,

Thank you for the in-kind gift donations we received. *(Please see attached donation receipt).*

The Midnight Mission has been a major presence in Southern California. As the oldest continuous human service organization in Los Angeles, we have been meeting the needs of those who have lost everything since 1914. We have done this without missing a day of service and without relying on the support of government funding. It is because of people like you that The Midnight Mission has been able to reach this extraordinary threshold, and with your support, we will continue to answer the call to help those in need.

Again, thank you for your generosity and support for enabling us to create a path to self-sufficiency for the people we serve.

Sincerely,

**Charles Cross**  
Chief Financial Officer

---

Donation Receipt No.: 81987  
Date of Contribution: 12/22/2018  
Description of Donation: skate boards/bikes/various assorted toys

**No goods or services were provided by The Midnight Mission in exchange for this gift or donation. All contributions to the Midnight Mission are tax deductible. Our Tax ID Number is 95-1691293. It is the responsibility of the donor to establish a value for gift-in-kind donations.**





S U  
M F O

DONATION  
RECEIPT #

61987



601 S. San Pedro St. • Los Angeles, CA 90014  
Phone: (213) 624-9258 • www.midnightmission.org

Ack:

Donation Location:  Donor Drop off at Mission

Transportation Pick up# \_\_\_\_\_

Scheduled Pickup Date/Instructions: 12-22-18	Donor Name/ Contact Person: Beach Cities Toy Drive	Email:	Telephone 1:
Address: 1601 N. VALLEY DR.	City: MANHATTEN BEACH	Zip Code: 90266	Telephone 2:

Special Instructions:

JAMES  
MURPHY

1-Clothing, 2-Domestics/Dishwares, 3-Toys/Games, 4-Video/Audio,  
5-Computer, 6-Appliance, 7-Furniture, 8-Food/Drink, 9-Other

Mission Use Only:

Category:	NU	Amount Scheduled:	Amount Received:	Destination:	Received by:
Item Description:				SKU:	
Category:	NU	Amount Scheduled:	Amount Received:	Destination:	Received by:
Item Description:				SKU:	
Category:	NU	Amount Scheduled:	Amount Received:	Destination:	Received by:
Item Description:				SKU:	
Category:	NU	Amount Scheduled:	Amount Received:	Destination:	Received by:
Item Description:				SKU:	
Category:	NU	Amount Scheduled:	Amount Received:	Destination:	Received by:
Item Description:				SKU:	
Category:	NU	Amount Scheduled:	Amount Received:	Destination:	Received by:
Item Description:				SKU:	
Category:	NU	Amount Scheduled:	Amount Received:	Destination:	Received by:
Item Description:				SKU:	

Donor Signature:	Midnight Mission Attendant: Kater Wiley	Date: 12-22-18	Time:
------------------	--	-------------------	-------

Thank you for your donation. Your generosity allows **The Midnight Mission** to make a difference to the millions of men, woman, and children we serve.

*G. Michael Arnold*

G. Michael Arnold  
President & CEO

*Clancy Imlund*

Clancy Imlund  
Managing Director

All contributions made to The Midnight Mission are tax deductible - It is the responsibility of the donor to establish a value for gifts in kind. Tax ID# 95-1691293  
White to Donor      Yellow to GIK      Pink to Transportation Dept.



specialneedsnetworkinc.

EIN 05-0617904

January 2, 2019

Beach City Toy Drive

Dear Tim,

RE: Special Needs Network's Annual Christmas Care Exchange

Thank you on behalf of Special Needs Network and our Annual Christmas Care Exchange held on December 22, 2018. We very much appreciate your Toy Drive donations that contributed to the success of our community event.

Your donations helped bring the holiday spirit to children with **autism & related developmental disabilities** in the communities of South Los Angeles.

During the event, we provided food, clothing and toys to families with limited resources. There were vendors onsite focusing on **autism awareness**, available services and programs in the South Los Angeles community. Every child received toys and participated in arts & crafts, and inclusive play. This unique forum proves to be a valuable first step for many families on their path to support, independence and advocacy!

Over 3000+ new toys were presented to kids and included a visit with SANTA & Mrs. Claus!

We could not have done this without your support and are grateful to you.

Sincerely,

Richard P. Fernandez  
Director of Development  
Richard @specialneedsnetwork.org

4401  
crenshaw blvd.  
suite 215  
los angeles  
california  
90043

office  
323.291.7100  
facsimile  
323.291.7104

specialneedsnetwork.org

fb.com/specialneedsnetwork

twitter.com/specialneedsLA

instagram/specialneedsnetwork

BOARD OF DIRECTORS

Arava D. Martin, Esq.  
*President + Co-Founder*

Anshu Batra MD, FAAP

Yveta Chappell-Ingram

Bonnie Berry LaMon, Esq.

Rahel Z. Mengeso

Randy Miller, Esq.

Daryl Cosby

Shamya Ullah

Janine Watkins-Joe, Esq.

Sonja D. White, Esq.

ADVISORY BOARD

Adam Bruno

George C. Fathese II

Dr. B.J. Freeman

Rat Grayson-Daxiong

Cheyl Gully, LCSW

Jaron Hamlett, Sr.

Corey Harris

Monica Holoway

Gail Lara

Oscar Madrigal

Rev. Cecil L. Murray

Rev. Vanessa Ussery

Anshya Vahabzadeh, MD



# GOOD SHEPHERD SHELTER

*Ending violence. Rebuilding lives.*

P.O. Box 19487, Los Angeles, California 90019-6233  
[www.goodshepherdshelter.org](http://www.goodshepherdshelter.org)



December 28, 2018

Beach Cities Toy Drive  
Attn.: Peter C. Tucker  
235 34<sup>th</sup> Street  
Hermosa Beach, CA 90254

Dear Peter,

We would like to **THANK YOU** for your very generous donation of **Toys, Bikes, and Balls** on **12/22/2018**. You've put a big smile on our families' faces! Your support is much-needed for sustaining and improving our critical services for the battered mothers and children we serve!

Audrey (her name has been changed to protect her identity) is just one of the many mothers who benefited from our comprehensive services thanks to the amazing generosity of our donors like you:

"After years of enduring all forms of domestic abuse, where I lost myself, I was afraid to speak up and felt so insecure in my own so-called home, I found the strength to leave one afternoon after the ex-partner left for work, my survival instinct was telling me something really bad was going to happen to me and my girls. I remember being at the emergency shelter, when I applied for the Good Shepherd Shelter and two days later I received a phone call from sister Regina telling me she wanted to have an interview and explain what their program was about, and put emphasis that I would have time at the Shelter to practice being a single mom, take classes that would help me prepare for my future and, most importantly, I would have time to **HEAL**. That last word got stuck in my head and it gave me so much hope for me and my girls. **HOPE** that I was going to be able to start a new life and leave behind so much pain and suffering.

When we arrived at the Shelter, I remember the peace I felt as I was walking inside, the friendly Case Manager was there to receive us, my girls were fascinated with the surroundings and when we got to our apartment, I couldn't control my tears anymore and I started crying. After leaving everything behind we finally had a **HOME**, with everything my family needed, a crib for my one-year-old, beds for me and my other little girl, and all the necessary things to start our new life.

My healing journey had begun, and Good Shepherd held my hand every step of the way, for courts visits, therapy, counseling, parenting, life skills and many other services that me or my girls desperately needed but couldn't afford on our own. Case managers, teachers, staff and Sisters were always available to make sure my family had all the necessary resources we needed, and little by little I started to reclaim little pieces of me, I regained my self-esteem, I was able to make decisions, have my own voice, set up boundaries and learned to cope with all the difficulties I was facing. **The time spent at Good Shepherd was life changing, and I'm forever grateful to every single staff member, teacher, Sister, volunteer, for putting a smile on my girls every day, for creating unforgettable moments and special occasions for us, for being there for us when nobody else was, for believing in me, and for their love, support, and dedication.**"

At Good Shepherd Shelter, we don't just change lives. We save them. The battered mothers and children we serve go from being another domestic violence victim statistic to being inspiring success stories!

For more information on our services and upcoming events, you may visit: [www.goodshepherdshelter.org](http://www.goodshepherdshelter.org)

Thanks again for your generosity towards our families. You are a part of their lives too. We look forward to your continued support for helping more mothers like Audrey!

Best wishes and **HAPPY HOLIDAYS** from the Good Shepherd Shelter family to yours,

Neslie Akkol  
Director of Institutional Advancement  
(323)737-6111, ext. 214  
[nakkol@goodshepherdshelter.org](mailto:nakkol@goodshepherdshelter.org)

This letter can serve as our acknowledgment of your contribution, which is tax-deductible pursuant to Section 170 (f) (8) of the Internal Revenue Service. Good Shepherd Shelter did not provide any goods or services in whole or in partial consideration for the above contribution but provided only intangible benefits. Our Federal Tax I.D. #95-1652906



**Staff Report**

---

**Staff Report**

REPORT 19-0004

---

**Honorable Mayor and Members of the Hermosa Beach City Council  
Regular Meeting of January 8, 2019**

**CITY COUNCIL MEETING MINUTES**

(Deputy City Clerk Linda Abbott)

**Recommended Action:**

Deputy City Clerk recommends that the City Council approve the following minutes:

1. Special meeting of July 25, 2016
2. Adjourned Regular meeting of August 27, 2016
3. "Streets for All" Leadership Breakfast meeting of December 4, 2017
4. Adjourned Regular meeting of December 7, 2017
5. Adjourned Regular meeting of April 25, 2018

**Attachments :**

1. Special meeting of July 25, 2016
2. Adjourned Regular meeting of August 27, 2016
3. "Streets for All" Leadership Breakfast meeting of December 4, 2017
4. Adjourned Regular meeting of December 7, 2017
5. Adjourned Regular meeting of April 25, 2018

**Submitted by:** Linda Abbott, Deputy City Clerk

**Concur:** Elaine Doerfling, City Clerk

**Noted:** Suja Lowenthal, City Manager

# City of Hermosa Beach

*City Hall  
1315 Valley Drive  
Hermosa Beach, CA 90254*



## Adjourned Meeting Minutes-draft

**Monday, July 25, 2016**

**6:00 PM**

**Closed Session**

**Agenda Amended 7-21-16 (See Item #4)**

**Council Chambers**

### **City Council**

*Mayor*

*Hany Fangary*

*Mayor Pro Tem*

*Justin Massey*

*Councilmembers*

*Jeff Duclos*

*Stacey Armato*

*Carolyn Petty*

**6:00 P.M. - CLOSED SESSION**

(LOCATION: Meetings convene in the Council Chambers and move to the Second Floor Conference Room after Public Comment)

**CALL TO ORDER IN COUNCIL CHAMBERS** 6:00 p.m.**ROLL CALL**

*Present:* Armato, Duclos, Massey, Mayor Fangary  
*Absent:* Petty (arrived 6:05 p.m.)

**PUBLIC COMMENT****RECESS TO CLOSED SESSION IN SECOND FLOOR CONFERENCE ROOM** 6:01 p.m.

1. **16-0446**      **MINUTES:** Approval of the following Closed Session minutes:
  - July 6, 2016
  - July 11, 2016
  - July 12, 2016
  
2. **16-0447**      **CONFERENCE WITH LEGAL COUNSEL: Threatened Litigation  
Government Code Section 54956.9(d)(2)**  
 The City Council finds, based on advice from legal counsel, that discussion in open session will prejudice the position of the City in the litigation.  
 Number of Potential Cases: 1
  
3. **16-0448**      **CONFERENCE WITH LEGAL COUNSEL: Pending Litigation  
Government Code Section 54956.9(d)(1)**  
 The City Council finds, based on advice from legal counsel, that discussion in open session will prejudice the position of the City in the litigation.
  - a) Name of Case: Holtz v. City of Hermosa Beach  
 Los Angeles County Superior Court, Case Number: BS163221
  - b) Name of Case: Johnston v. City of Hermosa Beach  
 Los Angeles County Superior Court, Case Number: BS163448
  
4. **16-0445**      **CONFERENCE WITH LEGAL COUNSEL: Potential Initiation of Litigation  
Government Code Section 54956.9(d)(4)**  
 The City Council finds, based on advice from legal counsel, that discussion in open session will prejudice the position of the City in the litigation.  
 Number of Potential Cases: 2 (Amended 7-21-16)

**ADJOURNMENT OF CLOSED SESSION** 10:30 p.m.

**Elaine Doerfling**  
**City Clerk**

# City of Hermosa Beach

*City Hall  
1315 Valley Drive  
Hermosa Beach, CA 90254*



## **Adjourned Meeting Minutes-draft**

**Saturday, August 27, 2016  
8:30 AM**

### **CITY COUNCIL STUDY SESSION (RETREAT)**

**Hotel Hermosa, Penthouse Suite - 8:30 AM  
(2515 Pacific Coast Hwy, Hermosa Beach CA 90254)  
Rok Sushi, Upstairs Area (1200 Hermosa Ave) - 6:00 PM**

### **City Council**

*Mayor  
Hany S. Fangary*

*Mayor Pro Tem  
Justin Massey*

*Councilmembers  
Jeff Duclos  
Stacey Armato  
Carolyn Petty*

**8:30 AM – BREAKFAST**

**CALL TO ORDER** 8:30 a.m.

**ROLL CALL**

*Present: Armato, Duclos, Massey, Petty, Mayor Fangary*  
*Absent: None*

**PUBLIC PARTICIPATION**

**9:00 AM - MORNING GOAL:**

UNDERSTANDING THE ATTRIBUTES OF A HIGH PERFORMANCE GOVERNING BODY,  
THE OBSTACLES, AND A FRAMEWORK AND CONCEPTS THAT CLARIFY THE  
CHALLENGES OF THE WORK

**NOON - LUNCH BREAK**

**1:00 PM - AFTERNOON GOAL:**

WORK ON ISSUES SPECIFIC TO HERMOSA BEACH

1. *What can Council do, if anything, to get its work done more effectively?*
2. *Specific issues to discuss:*
  - a. *Council individual liaison to specific issues*
  - b. *Board and Commission roles/responsibilities*
  - c. *Meeting management*
  - d. *Individual Councilmember work supplementing meeting preparatory information*
3. *Council expectations of the city manager and city manager expectations of council.*

**PUBLIC PARTICIPATION**

**ADJOURN FROM HOTEL HERMOSA** 5:00 p.m.

**ROK SUSHI (UPSTAIRS AREA)** 6:00 p.m.

**ADJOURNMENT** 7:45 p.m.

**Elaine Doerfling**  
**City Clerk**



# City of Hermosa Beach

*City Hall  
1315 Valley Drive  
Hermosa Beach, CA 90254*



## **Adjourned Meeting Minutes-draft**

**Streets for All Leadership Breakfast  
(hosted by Beach Cities Health District)**

**Monday, December 4, 2017, 8 a.m.**

**Bluewater Grill, Avalon Room  
(665 North Harbor Drive, Redondo Beach)**

### **City Council**

*Mayor  
Jeff Duclos*

*Mayor Pro Tem  
Stacey Armato*

*Councilmembers  
Mary Campbell  
Hany S. Fangary  
Justin Massey*

*The program began at 8:30 a.m.*

*Present as observers only: Armato, Fangary, Mayor Duclos*

*The program ended at 10:00 a.m.*

**Elaine Doerfling**  
**City Clerk**

# City of Hermosa Beach

*City Hall  
1315 Valley Drive  
Hermosa Beach, CA 90254*



## **Adjourned Meeting Minutes-draft**

**Thursday, December 7, 2017  
6:00 PM**

### **Appointment of Mayor and Mayor Pro Tempore and Council Committee Reorganization**

#### **Council Chambers**

#### **City Council**

*Mayor  
Justin Massey*

*Mayor Pro Tem  
Jeff Duclos*

*Councilmembers  
Stacey Armato  
Mary Campbell  
Hany S. Fangary*

**6:00 P.M. - ADJOURNED REGULAR MEETING AGENDA**

**CALL TO ORDER** 6:07 p.m.

**PLEDGE OF ALLEGIANCE** Dency Nelson

**ROLL CALL**

*Present: Armato, Campbell, Duclos, Fangary, Mayor Massey  
Absent: None*

**PRESENTATIONS**

a) **REPORT**                    **APPOINTMENT OF MAYOR AND MAYOR PRO TEMPORE AND  
17-0730                    COUNCIL COMMITTEE REORGANIZATION - DECEMBER 2017**  
  
(City Clerk Elaine Doerfling)

- Attachments:**    [Committee.List-1](#)  
[CommitteeInformation](#)  
[SBCCOG Reso](#)  
[Mayoral Terms of Office](#)

**Action:** *To appoint Jeff Duclos as Mayor for a term ending Thursday, November 29, 2018.  
Motion Campbell, second Fangary. The motion carried by a unanimous vote.*

**Additional Action:** *To appoint Stacey Armato as Mayor pro tempore for a term ending Thursday,  
November 29, 2018.  
Motion Duclos, second Massey. The motion carried by a unanimous vote.*

**Additional Action:**  
*1. To appoint Mayor Duclos to the Los Angeles County-City Selection Committee; and  
2. To appoint Mayor Duclos to the South Bay Cities Sanitation District Board of Directors and  
Mayor pro tempore Armato to serve as alternate director.  
Motion Massey, second Fangary. The motion carried by a unanimous vote.*

**Final Action:** *To appoint Councilmember Campbell to replace Mayor Duclos on the School  
Board Compact.  
Motion Duclos, second Armato. The motion carried by a unanimous vote.*

**PUBLIC PARTICIPATION:**

**ANNOUNCEMENTS**

**ADJOURNMENT** 7:00 p.m.

**Elaine Doerfling  
City Clerk**

# City of Hermosa Beach

*City Hall  
1315 Valley Drive  
Hermosa Beach, CA 90254*



## **Adjourned Meeting Minutes-draft**

**Wednesday, April 25, 2018 6:00 PM**

**Closed Session - 6:00 PM**

**Budget Study Session - 7:00 PM  
(FY 2018-19 Capital Improvement Program)**

**Council Chambers**

### **City Council**

*Mayor  
Jeff Duclos*

*Mayor Pro Tem  
Stacey Armato*

*Councilmembers  
Mary Campbell  
Hany S. Fangary  
Justin Massey*

**6:00 P.M. - CLOSED SESSION**

(LOCATION: Meetings convene in the Council Chambers and move to the Second Floor Conference Room after Public Comment)

**CALL TO ORDER IN COUNCIL CHAMBERS** 6:02 p.m.

**ROLL CALL**

*Present: Armato, Campbell, Mayor Duclos*  
*Absent: Fangary, Massey (both arrived at 6:07 p.m.)*

**PUBLIC COMMENT** None

**RECESS TO CLOSED SESSION IN SECOND FLOOR CONFERENCE ROOM** 6:03 p.m.

1. 18-0264 **MINUTES:** Approval of minutes of Closed Session held on April 10, 2018.

2. 18-0262 **CONFERENCE WITH LEGAL COUNSEL: Workers Comp Litigation**

**Government Code Section 54956.9(d)(1)**

The City Council finds, based on advice from legal counsel, that discussion in open session will prejudice the position of the City in the litigation.

**Name of Case:** Sibbald v. City of Hermosa Beach

**WCAB Number:** ADJ9968627, ADJ9969378

**RECESS TO OPEN SESSION IN THE COUNCIL CHAMBERS** 6:55 p.m.

**7:00 P.M. - STUDY SESSION**

**CALL TO ORDER** 7:08 p.m.

**PLEDGE OF ALLEGIANCE** *Public Works Superintendent Ells Freeman*

**ROLL CALL**

*Present: Armato, Campbell, Fangary, Massey, Mayor Duclos*  
*Absent: None*

**CLOSED SESSION REPORT**

*As City Attorney Jenkins was not present, Interim City Manager Jalili reported that there were no reportable actions.*

**ANNOUNCEMENTS**

**PUBLIC PARTICIPATION**

- 1. **REPORT** **FY 2018-19 CAPITAL IMPROVEMENT PROGRAM**  
**18-0281** (Public Works Director Glen W. C. Kau)

- Attachments:**
- [1. FY 2018-19 CIP Presentation](#)
  - [2. FY 2018-19 Project Detail Sheets](#)
  - [3. SUPPLEMENTAL eComment and Attachment from Alex Reizman.pdf](#)
  - [4. SUPPLEMENTAL eComment from Debbie Sanowski.pdf](#)
  - [5. SUPPLEMENTAL Memorandum and Revised Presentation Slides from Public Works Director Glen Kau \(added 4-25-18 at 10am\).pdf](#)
  - [6. SUPPLEMENTAL Letter and Attachment from David Grethen \(added 4-25-18 at 2pm\).pdf](#)

**PUBLIC PARTICIPATION**

**ADJOURNMENT** 9:37 p.m.

**Elaine Doerfling**  
**City Clerk**



**Staff Report**

---

**Staff Report**

REPORT 19-0013

---

**Honorable Mayor and Members of the Hermosa Beach City Council  
Regular Meeting of January 8, 2019**

**CHECK REGISTERS**  
(Finance Director Viki Copeland)

**Recommended Action:**

Staff recommends that the City Council ratify the following check registers.

**Attachments:**

1. Check Register 12/6/18
2. Check Register 12/13/18

**Approved:** Viki Copeland, Finance Director



**Check Register**  
**CITY OF HERMOSA BEACH**

12/06/2018 5:09:37PM

Bank code : boa

Voucher	Date	Vendor	Invoice	Description/Account	Amount
90728	12/6/2018	21159	AGPAOA, RACHEL	PO 14963	AMBULANCE TRANSPORT FEE REFUND
		21159			001-3840
					<b>Total :</b>
					<b>25.00</b>
90729	12/6/2018	03535	AUTOMATED FILING SYSTEMS, INC.	0115016-IN	PO 14751/RECORDS FILE FOLDERS FOR 2019
		03535			001-2101-4305
					<b>Total :</b>
					<b>1,549.27</b>
90730	12/6/2018	12504	CAASSOC CODE ENFORCE OFFICERS	300008407	PO 14876/STAFFORD/2019 MEMBERSHIP
		12504			001-4201-4315
					<b>Total :</b>
					<b>95.00</b>
90731	12/6/2018	10838	CANON BUSINESS SOLUTIONS, INC	4027603131	PW ADMIN COPIER MAINT/USE 8/16-11/15/18
		10838			715-1208-4201
					<b>Total :</b>
					<b>228.38</b>
90732	12/6/2018	21156	CHUG SALON	PO 14954	CITATION NO. 34006530 OVERPAYMENT
		21156			001-3302
					<b>Total :</b>
					<b>38.00</b>
90733	12/6/2018	07700	CPRS	PO 14888	NICHOLS/SHATTUCK/VINT/CONFERENCE REGIS
		07700			001-4601-4317
					<b>Total :</b>
					<b>90.00</b>
90734	12/6/2018	21160	DENNINGTON, JAQUELINE	PO 14964	AMBULANCE TRANSPORT FEE REFUND
		21160			001-3840
					<b>Total :</b>
					<b>49.00</b>
90735	12/6/2018	02055	DOERFLING, ELAINE C.	TR 768	LEAGUE CA CITIES/PER DIEM/AIRFARE/REGIS
		02055			001-1121-4317
					<b>Total :</b>
					<b>1,020.96</b>
90736	12/6/2018	19716	EAN HOLDINGS LLC	PO 14946	CITATION NO. 35005500 OVERPAYMENT
		19716			001-3302
					<b>Total :</b>
					<b>53.00</b>
90737	12/6/2018	15059	EVANS, MARLIN K.	PO 14827	INSTRUCTOR PAYMENT/CLASS NOS. 7735/37
					001-4601-4221
					<b>Total :</b>
					<b>403.50</b>

**Check Register**  
**CITY OF HERMOSA BEACH**

12/06/2018 5:09:37PM

Bank code : boa

Voucher	Date	Vendor	Invoice	Description/Account	Amount
90737	12/6/2018	15059	EVANS, MARLIN K.	(Continued)	<b>Total : 403.50</b>
90738	12/6/2018	15406	GENERAL INDUSTRIAL SUPPLY	1163488-02 MAT REQ 773492/GLOVES 001-4204-4309	128.12
				1163488-03 MAT REQ 773492/GLASSES 001-4204-4309	166.22
		15406			<b>Total : 294.34</b>
90739	12/6/2018	21165	GRIFFIN, HAILEY	PO 14944 CITATION NO. 31001820 OVERPAYMENT 001-3302	68.00
		21165			<b>Total : 68.00</b>
90740	12/6/2018	05345	HAWTHORNE, CITY OF	IT-HERMOSA-04 PO 14903/MARK 43 RECORDS MGMT REPLACE 715-2101-5405	14,343.00
		05345			<b>Total : 14,343.00</b>
90741	12/6/2018	09136	HERMOSA AUTOMOTIVE INC	43116 MAT REQ 773384/SMOG CHECK/VEHICLE HB12 715-2101-4311	50.00
		09136			<b>Total : 50.00</b>
90742	12/6/2018	21163	HEWKO, LUKE	PO 14950 DISMISSED CITATION NO. 35005791 001-3302	53.00
		21163			<b>Total : 53.00</b>
90743	12/6/2018	15141	HONDA MD INC, STEPHAN T	October 2018 PO 14925/DETAINEE BLOOD DRAWS/OCT18 001-2101-4201	603.00
				September 2018 PO 14925/DETAINEE BLOOD DRAWS/SEP18 001-2101-4201	63.60
		15141			<b>Total : 666.60</b>
90744	12/6/2018	19187	HYATT REGENCY SAN FRANCISCO	TR 768 DOERFLING/LEAGUE CA CITY NEW LAW SEMINAR 001-1121-4317	731.89
		19187			<b>Total : 731.89</b>
90745	12/6/2018	00151	LA CO SHERIFFS DEPARTMENT	191392BL MAT REQ 863253/PRISONER MEALS/OCT18 001-2101-4306	178.96
		00151			<b>Total : 178.96</b>
90746	12/6/2018	02175	LIEBERT CASSIDY WHITMORE	1465168 LEGAL SERVICES/PERSONNEL/AUG18 001-1203-4201	5,829.05

**Check Register**  
**CITY OF HERMOSA BEACH**

12/06/2018 5:09:37PM

Bank code : boa

Voucher	Date	Vendor	Invoice	Description/Account	Amount	
90746	12/6/2018	02175	LIEBERT CASSIDY WHITMORE	(Continued)	<b>Total : 5,829.05</b>	
90747	12/6/2018	21161	MANCLARK, KATHRYN	PO 14965	AMBULANCE TRANSPORT FEE REFUND 001-3840	58.80
		21161			<b>Total : 58.80</b>	
90748	12/6/2018	21158	MCGOVERN, DAVID	PO 14966	AMBULANCE TRANSPORT FEE REFUND 001-3840	324.30
		21158			<b>Total : 324.30</b>	
90749	12/6/2018	21166	MENDOZA, MARIA	PO 14943	CITATION NO. 40002434 OVERPAYMENT 001-3302	48.00
		21166			<b>Total : 48.00</b>	
90750	12/6/2018	08764	NATIONAL RECREATION & PARK	PO 14887	NICHOLS/MEMBERSHIP/FEB19-JAN20 001-4601-4315	99.00
				PO 14911	ORTA/MEMBERSHIP/FEB19-JAN20 001-4601-4315	99.00
		08764			<b>Total : 198.00</b>	
90751	12/6/2018	21164	NICHOLS, FREDERICK CARL	PO 14945	DISMISSED CITATION NO. 43003148 001-3302	53.00
		21164			<b>Total : 53.00</b>	
90752	12/6/2018	13114	OFFICE DEPOT	231658712002	MAT REQ 649645/POCKET FILES FOR A/P 001-1202-4305	49.47
				232438908001	MAT REQ 649758/OFFICE SUPPLIES 001-4101-4305	90.27
				232598314001	MAT REQ 863436/OFFICE SUPPLIES 001-4601-4305	57.53
		13114			<b>Total : 197.27</b>	
90753	12/6/2018	16782	PETERSON, TERRY	1 (PO 14936)	COMMUNITY THEATRE PIANO STRING REPAIR 001-4601-4201	75.00
				1 (PO 14937)	2 PIANO TUNINGS 001-4601-4201	230.00
		16782			<b>Total : 305.00</b>	
90754	12/6/2018	14297	POLICE EXECUTIVE	7714 & 7963	PAPA/MCKINNON/2019 MEMBERSHIP 001-2101-4315	400.00

**Check Register**  
**CITY OF HERMOSA BEACH**

12/06/2018 5:09:37PM

Bank code : boa

Voucher	Date	Vendor	Invoice	Description/Account	Amount
90754	12/6/2018	14297	POLICE EXECUTIVE	(Continued)	<b>Total : 400.00</b>
90755	12/6/2018	17676	PRUDENTIAL OVERALL SUPPLY	42345771 to 42352984	YARD UNIFORMS, TOWELS, &/OR MATS/NOV18
				001-2101-4309	66.16
				001-3104-4309	48.36
				001-3302-4309	59.56
				001-4202-4314	306.58
				001-4204-4309	159.92
				715-4206-4309	39.36
		17676		<b>Total :</b>	<b>679.94</b>
90756	12/6/2018	16921	ROUND STAR WEST LLC	PO 14796	INSTRUCT PMT/CLASSES 7813-4/8-9/20/22/23
		16921			001-4601-4221
					6,293.00
				<b>Total :</b>	<b>6,293.00</b>
90757	12/6/2018	21157	SHARPLESS, PATRICK	PO 14977	DISMISSED CITATION NO. 31006868
		21157			001-3302
					48.00
				<b>Total :</b>	<b>48.00</b>
90758	12/6/2018	20282	SMARTCOVER SYSTEMS	11501 (PO 14935)	PARTS WARRANTY/SEWER COVERS/PIER & 35TH
					161-3109-4201
					160-3102-4201
		20282			399.00
					399.00
				<b>Total :</b>	<b>798.00</b>
90759	12/6/2018	00159	SOUTHERN CALIFORNIA EDISON CO	2-01-414-2152	ELECTRICITY/NOV18
					001-6101-4303
					1,780.32
				2-01-414-3747	ELECTRICITY/NOV18
					105-2601-4303
					53.20
				2-01-414-4281	ELECTRICITY/SEP-NOV18
					105-2601-4303
					257.21
				2-01-414-5106	ELECTRICITY/NOV18
					001-3104-4303
					650.89
				2-23-725-4420	ELECTRICITY/NOV18
					001-4204-4303
					3,638.27
				2-39-985-7812	ELECTRICITY/NOV18
					001-4204-4303
					1,293.92
				2-41-090-1755	ELECTRICITY/OCT18-NOV18
					001-4204-4303
					67.82
		00159			<b>Total : 7,741.63</b>

**Check Register**  
**CITY OF HERMOSA BEACH**

12/06/2018 5:09:37PM

Bank code : boa

Voucher	Date	Vendor	Invoice	Description/Account	Amount
90760	12/6/2018	17596	THE PUN GROUP LLP	111832	FINANCIAL AUDIT SERVICES FY 17/18/PMT 2
		17596			001-1202-4201
					<b>Total :</b>
					<b>10,000.00</b>
90761	12/6/2018	11102	TORRANCE WHOLESALE NURSERY	141309	MAT REQ 532437/LANDSCAPE MATERIALS
		11102			001-6101-4309
					<b>Total :</b>
					<b>204.25</b>
90762	12/6/2018	14528	UNION BANK OF CALIFORNIA, PARS #67460 PO 14263		PARS/OPEB CONTRIBUTIONS/DEC18
					001-1101-4190
					001-1121-4190
					001-1201-4190
					001-1202-4190
					001-1203-4190
					001-1204-4190
					001-1208-4190
					001-2101-4190
					001-2203-4190
					001-3104-4190
					001-3301-4190
					001-3302-4190
					001-4101-4190
					001-4201-4190
					001-4202-4190
					001-4204-4190
					001-4601-4190
					001-6101-4190
					105-2601-4190
					160-3102-4190
					161-3109-4190
					715-4206-4190
		14528			<b>Total :</b>
					<b>79,617.00</b>
90763	12/6/2018	21162	URBAN INSIGHT, INC.	201893216/PO 14967	GENERAL PLAN WEBSITE HOSTING JUL18-JUN19
		21162			001-4105-4201
					<b>Total :</b>
					<b>2,400.00</b>
90764	12/6/2018	01206	ZUMAR INDUSTRIES INC	80951	MAT REQ 773567/STREET SIGN MAINTENANCE
					001-3104-4309
					611.13

**Check Register**  
**CITY OF HERMOSA BEACH**

12/06/2018 5:09:37PM

Bank code : boa

Voucher	Date	Vendor	Invoice	Description/Account	Amount
90764	12/6/2018	01206	ZUMAR INDUSTRIES INC (Continued) 80952	MAT REQ 773566/STREET SIGN MAINTENANCE 001-3104-4309	611.13
		01206		<b>Total :</b>	<b>1,222.26</b>
184550000	12/4/2018	14691	ADMINSURE AS AGENT FOR THE 12/6/18 Check Run	WORK COMP CLAIMS REIMB/NOV18 705-1217-4324	11,209.21
		14691		<b>Total :</b>	<b>11,209.21</b>
<b>38 Vouchers for bank code : boa</b>					<b>Bank total : 147,564.61</b>
<b>38 Vouchers in this report</b>					<b>Total vouchers : 147,564.61</b>

"I hereby certify that the demands or claims covered by the checks listed on pages 1 to 6 inclusive, of the check register for 12/6/18 are accurate funds are available for payment, and are in conformance to the budget."

By   
 Finance Director  
 Date 12/17/18

**Check Register  
CITY OF HERMOSA BEACH**

12/13/2018 5:09:37PM

Bank code : boa

Voucher	Date	Vendor	Invoice	Description/Account	Amount	
90765	12/13/2018	21086	ABSOLUTE INTERNATIONAL SECURIT	2018052616	PLAZA/DOWNTOWN/SECURITY 11/30-12/1/18 001-2101-4201	1,941.52
		21086			<b>Total :</b>	<b>1,941.52</b>
90766	12/13/2018	21169	ACEVEDO, VIRGILIO	PO 14981	17/18 BUSINESS LICENSE/CASP FEE REFUND 001-3115 001-6851	301.00 4.00
		21169			<b>Total :</b>	<b>305.00</b>
90767	12/13/2018	11437	ADMINISTRATIVE SERVICES CO OP	2301 (PO 14432)	TAXI VOUCHER PROGRAM/OCT18 145-3404-4201	5,800.95
		11437			<b>Total :</b>	<b>5,800.95</b>
90768	12/13/2018	16956	ALL AMERICAN ASPHALT	Report #2/PO 14189	STREET IMPROVEMENTS/OCT18 147-8174-4201 115-8174-4201 122-8174-4201	58,194.58 15,722.32 162,668.00
		16956			<b>Total :</b>	<b>236,584.90</b>
90769	12/13/2018	20197	AMERICAN ARBOR CARE	59099 (PO 14962)	122 1ST STREET/TREE REMOVAL CONSULTATION 001-6101-4201	200.00
		20197			<b>Total :</b>	<b>200.00</b>
90770	12/13/2018	18269	ANDERSONPENNA PARTNERS INC	6864 (PO 14193)	CONSTRUCTION MANAGER/OCT18 147-8174-4201	45,159.25
		18269			<b>Total :</b>	<b>45,159.25</b>
90771	12/13/2018	17271	BARROWS, PATRICK	PO 14892	INSTRUCTOR PAYMENT/CLASSES 7905/6/9/37 001-4601-4221	1,499.40
		17271			<b>Total :</b>	<b>1,499.40</b>
90772	12/13/2018	16371	BEACH GIRL PROPERTIES LLC	236	PARKING METERS - 70 14TH STREET/NOV18 001-3842	650.00
				237	PARKING METERS - 70 14TH STREET/DEC18 001-3842	650.00
		16371			<b>Total :</b>	<b>1,300.00</b>
90773	12/13/2018	00163	BRAUN LINEN SERVICE	1501839 thru 1506265	PRISONER LAUNDRY/NOV18 001-2101-4306	199.04

**Check Register**  
**CITY OF HERMOSA BEACH**

12/13/2018 5:09:37PM

Bank code : boa

Voucher	Date	Vendor	Invoice	Description/Account	Amount
90773	12/13/2018	00163	BRAUN LINEN SERVICE	(Continued)	<b>Total : 199.04</b>
90774	12/13/2018	00262	CALIFORNIA MARKING DEVICE	6148/Mat Req 549855	MANAGEMENT ANALYST/CHAN/NAME PLATE 001-4202-4305 18.62
				6155/Mat Req 549820	ARMATO/CAMPBELL/NAME BADGES 001-1101-4305 48.18
		00262			<b>Total : 66.80</b>
90775	12/13/2018	00016	CALIFORNIA WATER SERVICE	Account 4286211111	WATER USAGE/OCT18 105-2601-4303 5,602.85 001-6101-4303 14,882.34 001-4204-4303 1,204.64 001-3304-4303 252.61
		00016			<b>Total : 21,942.44</b>
90776	12/13/2018	10468	COMEDY & MAGIC CLUB	PO 14920	STAFF/COUNCIL/COMMISSIONER/HOLIDAY PARTY 001-1101-4319 4,793.69
		10468			<b>Total : 4,793.69</b>
90777	12/13/2018	09436	COMPLETES PLUS	01YO3383 to 01YP1911	AUTO REPAIR PARTS/NOV18 715-2101-4311 103.69 715-3104-4311 53.84 715-3302-4311 42.75
		09436			<b>Total : 200.28</b>
90778	12/13/2018	20511	CREATIVE DESIGN ASSOCIATES INC	3009 (PO 12582)	ADA/CURBS/DESIGN/ASSESS/JUN18 001-4202-4201 2,692.50
		20511			<b>Total : 2,692.50</b>
90779	12/13/2018	00364	DEPARTMENT OF JUSTICE	341389	MAT REQ 549596/FINGERPRINTING/NOV18 001-1203-4251 192.00
		00364			<b>Total : 192.00</b>
90780	12/13/2018	17868	DONNOE & ASSOCIATES, INC	7572 (PO 14207)	APPLICANT TEST RENTAL/MAINT SUPERVISOR 001-1203-4201 462.00
		17868			<b>Total : 462.00</b>
90781	12/13/2018	16856	DOODY, KARI	PO 14980	SIGNED-OFF CITATION NO. 34005588 001-3302 28.00



**Check Register**  
**CITY OF HERMOSA BEACH**

12/13/2018 5:09:37PM

Bank code : boa

Voucher	Date	Vendor	Invoice	Description/Account	Amount
90781	12/13/2018	16856	DOODY, KARI	(Continued)	<b>Total : 28.00</b>
90782	12/13/2018	21173	DOUGLAS ELLIMAN REAL ESTATE	PO 14987	BUSINESS LICENSE DOUBLE PAYMENT REFUND
				001-3115	199.00
				001-6851	4.00
				001-3877	20.00
		21173		<b>Total :</b>	<b>223.00</b>
90783	12/13/2018	00181	EASY READER	HD18-065 to HD18-068	MAT REQ 973734/LEGAL ADS/NOV18
					001-1121-4323
		00181		<b>Total :</b>	<b>895.13</b>
90784	12/13/2018	16932	FAMILY THEATRE INC	PO 14826	INSTRUCTOR PAYMENT/CLASS NO. 7739
					001-4601-4221
		16932		<b>Total :</b>	<b>1,963.50</b>
90785	12/13/2018	21170	FARRELL, MICHAEL	PO 14979	DISMISSED CITATION NO. 31004343
					001-3302
		21170		<b>Total :</b>	<b>53.00</b>
90786	12/13/2018	19884	FRONTIER	310-318-0113-1203155	EOC ANALOG LINES/DEC18
					715-1206-4304
				310-318-8751-0128095	CASHIER TAPS LINE/DEC18
					001-1204-4304
		19884		<b>Total :</b>	<b>1,815.27</b>
90787	12/13/2018	00669	GASB	02874589	PO 14807/ANNUAL SUBSCRIPTION THRU DEC19
					001-1202-4201
		00669		<b>Total :</b>	<b>265.00</b>
90788	12/13/2018	21171	GIBSON, EVON	PO 14978	DISMISSED CITATION NO. 34005437
					001-3302
		21171		<b>Total :</b>	<b>38.00</b>
90789	12/13/2018	09130	HRBOKA, DENNIS	PO 14914	INSTRUCTOR PAYMENT/CLASS NO. 7671
					001-4601-4221
		09130		<b>Total :</b>	<b>840.00</b>
90790	12/13/2018	16742	INDEPENDENT STATIONERS	SI00319138	MAT REQ 773255/CALENDARS FOR 2019
					001-2101-4305
					98.68

**Check Register**  
**CITY OF HERMOSA BEACH**

12/13/2018 5:09:37PM

Bank code : boa

Voucher	Date	Vendor	Invoice	Description/Account	Amount
90790	12/13/2018	16742	INDEPENDENT STATIONERS (Continued) SI00319216	MAT REQ 773256/PLANNERS/DESK CALENDARS 001-2101-4305	94.77
		16742		<b>Total :</b>	<b>193.45</b>
90791	12/13/2018	00118	LA SUPERIOR COURT - TORRANCE PO 14983	CITATION SURCHARGES/OCT18 001-3302	53,091.20
			PO 14984	CITATION SURCHARGES/NOV18 001-3302	50,929.20
		00118		<b>Total :</b>	<b>104,020.40</b>
90792	12/13/2018	20771	LA UNIFORMS & TAILORING 1025/Mat Req 773254	PSO UNIFORM FOR N. RODRIGUEZ 001-2101-4314	622.51
		20771		<b>Total :</b>	<b>622.51</b>
90793	12/13/2018	21174	MACLEAN, LAUREN PO 14985	2 PARKING PERMIT REFUNDS 001-3843	80.00
		21174		<b>Total :</b>	<b>80.00</b>
90794	12/13/2018	09513	PACIFIC COAST CONSTRUCTION 247 (PO 14907)	ARDMORE & PIER/SEWER MANHOLE REPAIR 161-3109-4201	4,800.00
		09513		<b>Total :</b>	<b>4,800.00</b>
90795	12/13/2018	03535	PPC, INC. 0115016-IN	PO 14751/RECORDS FILE FOLDERS FOR 2019 001-2101-4305	1,549.27
		03535		<b>Total :</b>	<b>1,549.27</b>
90796	12/13/2018	19829	SITEONE LANDSCAPE SUPPLY 88000535-001	MAT REQ 532332/LANDSCAPING SUPPLIES 001-6101-4309	568.59
		19829		<b>Total :</b>	<b>568.59</b>
90797	12/13/2018	00114	SMART AND FINAL IRIS COMPANY 3220630013773	REQ 863438/SENIOR CTR/COFFEE/CREAM/CUPS 001-4601-4328	77.37
			3220630015292	MAT REQ 863248/FORKS FOR JAIL 001-2101-4306	9.84
			3220630016303	REQ 549821/MEETING SUPPLIES/REFRESHMENTS 001-1201-4305	64.28
			3220630022807	MAT REQ 863257/JAIL/CREAMER/CUPS/CUTLERY 001-2101-4306	65.99
			3220630027237	MAT REQ 863434/SENIOR CENTER SUPPLIES	

**Check Register**  
**CITY OF HERMOSA BEACH**

12/13/2018 5:09:37PM

Bank code : boa

Voucher	Date	Vendor	Invoice	Description/Account	Amount
90797	12/13/2018	00114	SMART AND FINAL IRIS COMPANY	(Continued)	
				001-4601-4328	59.77
			3220630027238	REQ 863435/COFFEE/SWIFFERS/PAPER TOWELS	
				001-4601-4305	63.72
			3220630053894	MAT REQ 863254/BRIEFING ROOM/COFFEE	
				001-2101-4305	71.64
			3220630054513	REQ 863331/PARK PROGRAM CLEANING SUPPLY	
				001-4601-4308	52.51
			3220630057181	MAT REQ 863333/PARK PROGRAM SNACKS	
				001-4601-4308	299.53
			3220630057452	MAT REQ 837835/EOC TRAINING REFRESHMENTS	
				001-1201-4305	114.43
		00114		<b>Total :</b>	<b>879.08</b>
90798	12/13/2018	10532	SOUTH BAY FORD	592206 to 593142	
				AUTO PARTS 10/31/18-11/13/18	
				715-3104-4311	114.38
				715-2101-4311	2,301.94
		10532		<b>Total :</b>	<b>2,416.32</b>
90799	12/13/2018	00159	SOUTHERN CALIFORNIA EDISON CO	2-23-687-8021	
				ELECTRICITY/NOV18	
				001-3104-4303	52.61
			2-36-722-1322	ELECTRICITY/NOV18	
				105-2601-4303	44.92
		00159		<b>Total :</b>	<b>97.53</b>
90800	12/13/2018	16735	TORRANCE AUTO PARTS	203445	
				MAT REQ 773364/OIL/WASHER FLUID/COOLANT	
				715-2101-4311	88.03
		16735		<b>Total :</b>	<b>88.03</b>
90801	12/13/2018	04768	UPTIME COMPUTER SERVICE	31214	
				PRINTER MAINTENANCE/JAN18	
				715-1206-4201	943.00
		04768		<b>Total :</b>	<b>943.00</b>
90802	12/13/2018	18666	VERIZON BUSINESS SERVICES	70969460	
				VOIP PHONES/BARD/OCT18	
				001-3302-4304	69.29
			70969468	VOIP PHONES/YARD/OCT18	
				001-4202-4304	143.88
			70970164	VOIP PHONES/EOC GYM/OCT18	
				001-1201-4304	61.38

**Check Register**  
**CITY OF HERMOSA BEACH**

12/13/2018 5:09:37PM

Bank code : boa

Voucher	Date	Vendor	Invoice	Description/Account	Amount
90802	12/13/2018	18666	VERIZON BUSINESS SERVICES (Continued) 70970753	VOIP PHONES/BASE 3/OCT18 001-3302-4304	107.93
		18666	70970758	VOIP PHONES/COMM RES/OCT18 001-4601-4304	141.25
				<b>Total :</b>	<b>523.73</b>
90803	12/13/2018	15597	VORTEX INDUSTRIES, INC. 07-1289973/PO 14781	CHAMBERS/PANIC BARS ON DOORS/ADA MODIFY 715-4202-4201	6,499.70
		15597		<b>Total :</b>	<b>6,499.70</b>
90804	12/13/2018	19574	YOUNGBLOOD, ERVIN L 3563A (PO 14355)	POLYGRAPH EXAM/DEC18 001-2101-4201	250.00
		19574		<b>Total :</b>	<b>250.00</b>
182514921	12/11/2018	14691	ADMINSURE AS AGENT FOR THE 12/13/18 Check Run	WORK COMP CLAIMS REIMB/DEC18 705-1217-4324	6,188.58
		14691		<b>Total :</b>	<b>6,188.58</b>
400135823	12/7/2018	13838	PITNEY BOWES INC 12/13/18 Check Run	POSTAGE METER REFILL/DEC18 001-1208-4305	1,000.00
		13838		<b>Total :</b>	<b>1,000.00</b>
<b>42 Vouchers for bank code : boa</b>				<b>Bank total :</b>	<b>460,180.86</b>
<b>42 Vouchers in this report</b>				<b>Total vouchers :</b>	<b>460,180.86</b>

Check Register  
CITY OF HERMOSA BEACH

12/13/2018 5:09:37PM

Bank code : boa

---

Voucher	Date	Vendor	Invoice	Description/Account	Amount
---------	------	--------	---------	---------------------	--------

---

"I hereby certify that the demands or claims covered by the checks listed on pages 1 to 7 inclusive, of the check register for 12/13/18 are accurate funds are available for payment, and are in conformance to the budget."



By

Finance Director

Date 12/17/18



**Staff Report**

---

**Staff Report**

REPORT 19-0003

---

**Honorable Mayor and Members of the Hermosa Beach City Council  
Regular Meeting of January 8, 2019**

**REVENUE REPORT, EXPENDITURE REPORT,  
AND CIP REPORT BY PROJECT FOR NOVEMBER 2018**

(Finance Director Viki Copeland)

**Recommended Action:**

Staff recommends that the City Council receive and file the November 2018 Financial Reports.

**Summary:**

Attached are the November 2018 Revenue and Expenditure reports. The reports provide detail by revenue account and by department for expenditures, with summaries by fund at the end of each report.

General Fund revenue is 22.8% received for 41.7% of the fiscal year. The General Fund revenue, particularly tax revenue, is not received incrementally. Adjusting for tax revenue would bring the total to 41.6%

General Fund expenditures are 38.2% expended for 41.7% of the fiscal year. Expenditures do not necessarily occur on an incremental basis.

This CIP Report groups the funding for each project together, which is similar to how the projects are shown in the budget. In the regular Expenditure Report, the CIPs appear at the end of each fund, therefore, the total funding is not displayed in one place.

**Attachments:**

1. Nov 18 Revenue Report
2. Nov 18 Expenditure Report
3. Nov 18 CIP Report by Project

**Respectfully Submitted by:** Viki Copeland, Finance Director

**Approved:** Suja Lowenthal, City Manager

Revenue Status Report

CITY OF HERMOSA BEACH  
 7/1/2018 through 11/30/2018

001 General Fund

<u>Account Number</u>	<u>Adjusted Estimate</u>	<u>Revenues</u>	<u>Year-to-date Revenues</u>	<u>Balance</u>	<u>Prct Rcvd</u>
3100 Taxes					
3101 Current Year Secured	14,149,469.00	0.00	0.00	14,149,469.00	0.00
3102 Current Year Unsecured	553,090.00	497,841.30	497,841.30	55,248.70	90.01
3103 Prior Year Collections	0.00	100,008.68	100,008.68	-100,008.68	0.00
3104 In-lieu Sales Tax	0.00	0.00	0.00	0.00	0.00
3106 Supplemental Roll SB813	366,471.00	123,318.85	123,318.85	243,152.15	33.65
3107 Transfer Tax	300,181.00	71,502.76	71,502.76	228,678.24	23.82
3108 Sales Tax	3,034,000.00	1,081,060.06	1,081,060.06	1,952,939.94	35.63
3109 1/2 Cent Sales Tx Ext	254,433.00	62,012.67	62,012.67	192,420.33	24.37
3110 Spectrum Cable TV Franchise	171,585.00	43,461.91	43,461.91	128,123.09	25.33
3111 Electric Franchise	82,259.00	0.00	0.00	82,259.00	0.00
3112 Gas Franchise	38,596.00	0.00	0.00	38,596.00	0.00
3113 Refuse Franchise	227,797.00	92,439.06	92,439.06	135,357.94	40.58
3114 Transient Occupancy Tax	3,260,078.00	1,085,501.04	1,085,501.04	2,174,576.96	33.30
3115 Business License	1,070,000.00	308,597.67	308,597.67	761,402.33	28.84
3120 Utility User Tax	2,250,177.00	770,725.76	770,725.76	1,479,451.24	34.25
3122 Property tax In-lieu of Veh Lic Fees	2,659,922.00	17,896.11	17,896.11	2,642,025.89	0.67
3123 Frontier Cable Franchise Fee	204,555.00	45,665.60	45,665.60	158,889.40	22.32
<b>Total Taxes</b>	<b>28,622,613.00</b>	<b>4,300,031.47</b>	<b>4,300,031.47</b>	<b>24,322,581.53</b>	<b>15.02</b>
3200 Licenses And Permits					
3202 Dog Licenses	12,600.00	9,764.50	9,764.50	2,835.50	77.50
3203 Bicycle Licenses	0.00	0.00	0.00	0.00	0.00

Revenue Status Report

CITY OF HERMOSA BEACH  
 7/1/2018 through 11/30/2018

001 General Fund

<u>Account Number</u>	<u>Adjusted Estimate</u>	<u>Revenues</u>	<u>Year-to-date Revenues</u>	<u>Balance</u>	<u>Prct Rcvd</u>
3204 Building Permits	857,000.00	315,259.86	315,259.86	541,740.14	36.79
3205 Electric Permits	96,530.00	36,432.00	36,432.00	60,098.00	37.74
3206 Plumbing Permits	65,000.00	38,538.00	38,538.00	26,462.00	59.29
3207 Occupancy Permits	11,065.00	7,473.00	7,473.00	3,592.00	67.54
3208 Grease Trap Permits	1,280.00	792.00	792.00	488.00	61.88
3209 Garage Sales	0.00	112.00	112.00	-112.00	0.00
3211 Banner Permits	1,250.00	52.00	52.00	1,198.00	4.16
3212 Animal/Fowl Permits	0.00	0.00	0.00	0.00	0.00
3213 Animal Redemption Fee	0.00	293.00	293.00	-293.00	0.00
3214 Amplified Sound Permit	17,637.00	4,681.00	4,681.00	12,956.00	26.54
3215 Temporary Sign Permit	1,312.00	1,388.00	1,388.00	-76.00	105.79
3216 Spray Booth Permit	0.00	0.00	0.00	0.00	0.00
3217 Open Fire Permit	0.00	378.00	378.00	-378.00	0.00
3218 Auto Repair Permit	0.00	0.00	0.00	0.00	0.00
3219 Newsrack Permits	1,400.00	0.00	0.00	1,400.00	0.00
3220 Commercial St Light Banner Program	0.00	0.00	0.00	0.00	0.00
3225 Taxicab Franchise Fees	26,332.00	356.00	356.00	25,976.00	1.35
3226 Admin Permit - Limited Outdoor Seating	958.00	479.00	479.00	479.00	50.00
3227 Mechanical Permits	44,800.00	19,559.00	19,559.00	25,241.00	43.66
3228 Concealed Weapons Permit	100.00	0.00	0.00	100.00	0.00
3229 Private Special Event Permit	0.00	0.00	0.00	0.00	0.00
3230 Temporary Minor Special Event Permit	2,395.00	2,395.00	2,395.00	0.00	100.00
3232 Second-Single Family Dweling Permit	0.00	0.00	0.00	0.00	0.00
3233 Emergency Shelters Permit	0.00	0.00	0.00	0.00	0.00



Revenue Status Report

CITY OF HERMOSA BEACH  
 7/1/2018 through 11/30/2018

001 General Fund

<u>Account Number</u>	<u>Adjusted Estimate</u>	<u>Revenues</u>	<u>Year-to-date Revenues</u>	<u>Balance</u>	<u>Prct Rcvd</u>
3234 Single-Room Occupancy Permit	0.00	0.00	0.00	0.00	0.00
3235 Outdoor Fitness Permit	0.00	0.00	0.00	0.00	0.00
3236 Drone Permit Fee	2,900.00	730.00	730.00	2,170.00	25.17
3239 A-Frame sign Permit	500.00	395.00	395.00	105.00	79.00
<b>Total Licenses And Permits</b>	<b>1,143,059.00</b>	<b>439,077.36</b>	<b>439,077.36</b>	<b>703,981.64</b>	<b>38.41</b>
3300 Fines & Forfeitures					
3301 Municipal Court Fines	96,439.00	31,998.90	31,998.90	64,440.10	33.18
3302 Court Fines /Parking	1,981,749.00	959,569.25	959,569.25	1,022,179.75	48.42
3305 Administrative Fines	15,650.00	3,400.00	3,400.00	12,250.00	21.73
3306 Nuisance Abatement- Restrooms	33,000.00	16,700.00	16,700.00	16,300.00	50.61
<b>Total Fines &amp; Forfeitures</b>	<b>2,126,838.00</b>	<b>1,011,668.15</b>	<b>1,011,668.15</b>	<b>1,115,169.85</b>	<b>47.57</b>
3400 Use Of Money & Property					
3401 Interest Income	187,508.00	48,916.04	48,916.04	138,591.96	26.09
3402 Rents & Concessions	1,500.00	582.02	582.02	917.98	38.80
3403 Pier Revenue	0.00	0.00	0.00	0.00	0.00
3404 Community Center Leases	25,500.00	12,700.80	12,700.80	12,799.20	49.81
3405 Community Center Rentals	180,000.00	51,750.00	51,750.00	128,250.00	28.75
3406 Community Center Theatre	65,000.00	50,697.75	50,697.75	14,302.25	78.00
3411 Other Facilities	0.00	0.00	0.00	0.00	0.00
3412 Tennis Courts	0.00	0.00	0.00	0.00	0.00
3414 Fund Exchange	0.00	0.00	0.00	0.00	0.00
3418 Special Events	100,000.00	26,458.26	26,458.26	73,541.74	26.46

Revenue Status Report

CITY OF HERMOSA BEACH  
 7/1/2018 through 11/30/2018

001 General Fund

<u>Account Number</u>	<u>Adjusted Estimate</u>	<u>Revenues</u>	<u>Year-to-date Revenues</u>	<u>Balance</u>	<u>Prct Rcvd</u>
3419 Revenue-Centennial Celeb	0.00	0.00	0.00	0.00	0.00
3422 Beach/Plaza Promotions	30,000.00	0.00	0.00	30,000.00	0.00
3425 Ground Lease	39,382.00	16,409.00	16,409.00	22,973.00	41.67
3427 Cell Site License- Sprint	38,754.00	15,944.50	15,944.50	22,809.50	41.14
3428 Cell Site License - Verizon	32,754.00	13,506.10	13,506.10	19,247.90	41.23
3429 Inmate Phone Services	780.00	474.09	474.09	305.91	60.78
3431 Storage Facility Operating Lease	180,000.00	75,000.00	75,000.00	105,000.00	41.67
3432 Film Permits	60,000.00	39,290.00	39,290.00	20,710.00	65.48
3450 Investment Discount	1,035.00	175.38	175.38	859.62	16.94
3475 Investment Premium	0.00	0.00	0.00	0.00	0.00
3476 Solid Waste Lease Space	0.00	0.00	0.00	0.00	0.00
<b>Total Use Of Money &amp; Property</b>	<b>942,213.00</b>	<b>351,903.94</b>	<b>351,903.94</b>	<b>590,309.06</b>	<b>37.35</b>
3500 Intergovernmental/State					
3505 In Lieu Motor Vehicle	0.00	0.00	0.00	0.00	0.00
3507 Highway Maintenance	3,100.00	0.00	0.00	3,100.00	0.00
3508 Mandated Costs	7,088.00	7,539.00	7,539.00	-451.00	106.36
3509 Homeowner Property Tax Relief	84,000.00	0.00	0.00	84,000.00	0.00
3510 POST	22,365.00	1,977.48	1,977.48	20,387.52	8.84
3511 STC-Service Officer Training	4,730.00	0.00	0.00	4,730.00	0.00
3575 VLF Coll Excess of \$14m-Rev code 11001.5	10,326.00	0.00	0.00	10,326.00	0.00
<b>Total Intergovernmental/State</b>	<b>131,609.00</b>	<b>9,516.48</b>	<b>9,516.48</b>	<b>122,092.52</b>	<b>7.23</b>
3800 Current Service Charges					

Revenue Status Report

CITY OF HERMOSA BEACH  
 7/1/2018 through 11/30/2018

001 General Fund

<u>Account Number</u>	<u>Adjusted Estimate</u>	<u>Revenues</u>	<u>Year-to-date Revenues</u>	<u>Balance</u>	<u>Prct Rcvd</u>
3801 Residential Inspection	57,591.00	18,249.00	18,249.00	39,342.00	31.69
3802 Planning Sign Permit/Master Sign Program	16,484.00	8,124.00	8,124.00	8,360.00	49.28
3803 Negative Declaration	0.00	0.00	0.00	0.00	0.00
3804 General Plan Maintenance Fees	217,000.00	68,295.00	68,295.00	148,705.00	31.47
3805 Amendment to Planning Entitlement	20,620.00	4,124.00	4,124.00	16,496.00	20.00
3806 Board Of Appeals	0.00	0.00	0.00	0.00	0.00
3807 Refuse Lien Fees/Consolidated	0.00	0.00	0.00	0.00	0.00
3808 Zone Variance Review	0.00	0.00	0.00	0.00	0.00
3809 Tentative Map Review	9,010.00	6,757.50	6,757.50	2,252.50	75.00
3810 Final Map Review	8,100.00	2,700.00	2,700.00	5,400.00	33.33
3811 Zone Change	3,902.00	3,902.00	3,902.00	0.00	100.00
3812 Conditional Use Permit - Comm/Other	9,362.00	0.00	0.00	9,362.00	0.00
3813 Plan Check Fees	408,000.00	163,417.74	163,417.74	244,582.26	40.05
3814 Appeal to City Council From Staff	0.00	0.00	0.00	0.00	0.00
3815 Public Works Services	130,000.00	47,498.59	47,498.59	82,501.41	36.54
3816 Utility Trench Service Connect Permit	100,000.00	35,341.04	35,341.04	64,658.96	35.34
3817 Address Change Request Fee	4,640.00	928.00	928.00	3,712.00	20.00
3818 Police Services	1,500.00	400.00	400.00	1,100.00	26.67
3819 Jail Services	15,300.00	6,120.00	6,120.00	9,180.00	40.00
3821 Daily Permit Lot A/Parking Structure	50,136.00	22,351.00	22,351.00	27,785.00	44.58
3823 Special Event Security/Police	39,000.00	36,346.78	36,346.78	2,653.22	93.20
3824 500' Noticing	11,646.00	1,294.00	1,294.00	10,352.00	11.11
3825 Public Notice Posting	3,825.00	1,225.00	1,225.00	2,600.00	32.03
3827 Library Grounds Maintenance	18,527.00	0.00	0.00	18,527.00	0.00

Revenue Status Report

CITY OF HERMOSA BEACH  
 7/1/2018 through 11/30/2018

001 General Fund

<u>Account Number</u>	<u>Adjusted Estimate</u>	<u>Revenues</u>	<u>Year-to-date Revenues</u>	<u>Balance</u>	<u>Prct Rcvd</u>
3831 Non-Utility Street Excavation Permit	49,533.00	23,403.00	23,403.00	26,130.00	47.25
3833 Recreation Service Charges	0.00	0.00	0.00	0.00	0.00
3834 Encroachment Permit	312,400.00	129,103.98	129,103.98	183,296.02	41.33
3835 Youth Sports Admin Fee	0.00	0.00	0.00	0.00	0.00
3836 Refund Transaction Fee	800.00	585.00	585.00	215.00	73.13
3837 Returned Check Charge	300.00	141.00	141.00	159.00	47.00
3838 Sale Of Maps/Publications	0.00	0.00	0.00	0.00	0.00
3839 Photocopy Charges	400.00	152.00	152.00	248.00	38.00
3840 Ambulance Transport	457,945.00	220,238.08	220,238.08	237,706.92	48.09
3841 Police Towing	73,850.00	31,017.00	31,017.00	42,833.00	42.00
3842 Parking Meters	2,000,000.00	945,894.34	945,894.34	1,054,105.66	47.29
3843 Parking Permits-Annual	443,423.00	24,042.17	24,042.17	419,380.83	5.42
3844 Daily Parking Permits	1,820.00	1,196.87	1,196.87	623.13	65.76
3845 Lot A Revenue	564,607.00	246,257.00	246,257.00	318,350.00	43.62
3846 No Pier Pkg Structure Revenue	715,604.00	330,289.75	330,289.75	385,314.25	46.16
3847 In Lieu Fee / Parking Facility	57,800.00	0.00	0.00	57,800.00	0.00
3848 Driveway Permits	1,348.00	1,572.00	1,572.00	-224.00	116.62
3849 Guest Permits	1,736.00	857.00	857.00	879.00	49.37
3850 Contractors Permits	40,000.00	17,646.00	17,646.00	22,354.00	44.12
3851 Cash Key Revenue	-554.00	49.50	49.50	-603.50	-8.94
3852 Recreation Program Transaction Fee	40,000.00	18,920.00	18,920.00	21,080.00	47.30
3855 Bus Passes	2,000.00	640.00	640.00	1,360.00	32.00
3856 500' - 2nd Noticing	515.00	0.00	0.00	515.00	0.00
3857 Parking Plan Application	8,640.00	0.00	0.00	8,640.00	0.00

Revenue Status Report

CITY OF HERMOSA BEACH  
 7/1/2018 through 11/30/2018

001 General Fund

<u>Account Number</u>	<u>Adjusted Estimate</u>	<u>Revenues</u>	<u>Year-to-date Revenues</u>	<u>Balance</u>	<u>Prct Rcvd</u>
3858 Monthly Permit Lot A/Parking Structure	82,929.00	40,176.00	40,176.00	42,753.00	48.45
3859 Admin Permit - Abandon CUP	0.00	619.00	619.00	-619.00	0.00
3860 Car2Go Parking Fee	0.00	0.00	0.00	0.00	0.00
3861 Fire Alarm Sys Insp - New Installation	0.00	382.00	382.00	-382.00	0.00
3862 Alarm Permit Fee	5,415.00	1,158.00	1,158.00	4,257.00	21.39
3863 False Alarm Fee	423.00	0.00	0.00	423.00	0.00
3864 C.U.P./Fences/Walls	0.00	0.00	0.00	0.00	0.00
3865 Lot B Revenue	102,226.00	40,845.50	40,845.50	61,380.50	39.96
3867 Precise Development Plans	5,114.00	2,557.00	2,557.00	2,557.00	50.00
3868 Public Noticing/300 Ft Radius	5,446.00	3,890.00	3,890.00	1,556.00	71.43
3869 2nd Party Response	0.00	0.00	0.00	0.00	0.00
3870 Legal Determination Hearing	0.00	0.00	0.00	0.00	0.00
3871 Passport Processing Fee	0.00	0.00	0.00	0.00	0.00
3872 Passport Photo Fee	0.00	0.00	0.00	0.00	0.00
3876 Spec Fire Protectn Sys Insp-New Install	0.00	0.00	0.00	0.00	0.00
3877 Business License Registration	7,000.00	5,215.00	5,215.00	1,785.00	74.50
3878 Fire Re-Inspections	0.00	0.00	0.00	0.00	0.00
3879 Business License Renewal Fee	30,000.00	13,494.00	13,494.00	16,506.00	44.98
3882 Special Event Fire Code Permit	0.00	0.00	0.00	0.00	0.00
3883 Final/Tentative Map Extension	949.00	0.00	0.00	949.00	0.00
3884 Lot Line Adjustment	1,176.00	0.00	0.00	1,176.00	0.00
3886 Text Amendment/Private	0.00	0.00	0.00	0.00	0.00
3888 Slope/Grade Height Determination	5,444.00	2,252.50	2,252.50	3,191.50	41.38
3890 300 Ft Radius Noticing/Appeal to CC	474.00	232.00	232.00	242.00	48.95

Revenue Status Report

CITY OF HERMOSA BEACH  
 7/1/2018 through 11/30/2018

001 General Fund

<i>Account Number</i>	<i>Adjusted Estimate</i>	<i>Revenues</i>	<i>Year-to-date Revenues</i>	<i>Balance</i>	<i>Prct Rcvd</i>
3891 Appeal of Plng Comm Action to Council	1,681.00	0.00	0.00	1,681.00	0.00
3892 Underground Tank Install/Removal	0.00	0.00	0.00	0.00	0.00
3893 Contract Recreation Classes	375,000.00	171,241.10	171,241.10	203,758.90	45.66
3894 Other Recreation Programs	225,000.00	67,754.33	67,754.33	157,245.67	30.11
3895 Zoning Information Letters	0.00	186.00	186.00	-186.00	0.00
3896 Mailing Fee	12.00	0.00	0.00	12.00	0.00
3897 Admin Fee/TULIP Ins Certificate	500.00	1,620.12	1,620.12	-1,120.12	324.02
3898 Height Limit Exception	0.00	0.00	0.00	0.00	0.00
3899 Condo - CUP/PDP	20,344.00	19,444.00	19,444.00	900.00	95.58
<b>Total Current Service Charges</b>	<b>6,765,943.00</b>	<b>2,790,144.89</b>	<b>2,790,144.89</b>	<b>3,975,798.11</b>	<b>41.24</b>
3900 Other Revenue					
3901 Sale of Real/Personal Property	0.00	0.00	0.00	0.00	0.00
3902 Refunds/Reimb Previous Years	0.00	116.34	116.34	-116.34	0.00
3903 Contributions Non Govt	0.00	4,872.00	4,872.00	-4,872.00	0.00
3904 General Miscellaneous	0.00	4,118.00	4,118.00	-4,118.00	0.00
3905 Cable Franchise Acceptance Fee	0.00	0.00	0.00	0.00	0.00
3907 Pkg Str Utility Reimb From Beach House	3,300.00	938.01	938.01	2,361.99	28.42
3908 Hermosa Sr Ctr Donations/Memberships	10,000.00	3,543.15	3,543.15	6,456.85	35.43
3914 Planning EIR Admin Reimbursement	30,000.00	0.00	0.00	30,000.00	0.00
3920 BCHD Healthy Cities Fund	0.00	0.00	0.00	0.00	0.00
3938 Solid Waste Contract Admin Fee	52,707.00	18,300.44	18,300.44	34,406.56	34.72
3945 In-Serv Firefighter Trng Prog/El Camino	0.00	0.00	0.00	0.00	0.00
3955 Operating Transfers In	538,739.00	224,475.00	224,475.00	314,264.00	41.67

Revenue Status Report

CITY OF HERMOSA BEACH  
 7/1/2018 through 11/30/2018

001 General Fund

<u>Account Number</u>	<u>Adjusted Estimate</u>	<u>Revenues</u>	<u>Year-to-date Revenues</u>	<u>Balance</u>	<u>Prct Rcvd</u>
3960 Verizon PEG Grant	15,663.00	0.00	0.00	15,663.00	0.00
3961 Chamber Funding Econ Dev	0.00	0.00	0.00	0.00	0.00
3962 Election Reimbursement	0.00	0.00	0.00	0.00	0.00
3963 HB Youth Enrichment Program Fee	0.00	0.00	0.00	0.00	0.00
3964 South Park Donations	0.00	0.00	0.00	0.00	0.00
3967 Athens Reimbursement	0.00	0.00	0.00	0.00	0.00
<b>Total Other Revenue</b>	650,409.00	256,362.94	256,362.94	394,046.06	39.42
6800 Current Service Charges Continued					
6801 Mural Review	1,500.00	1,500.00	1,500.00	0.00	100.00
6802 Sign Variance	0.00	0.00	0.00	0.00	0.00
6803 General Plan Amendment/ Map or Text	0.00	0.00	0.00	0.00	0.00
6804 Temporary Use Permit	0.00	0.00	0.00	0.00	0.00
6805 Unusual Architectural/Building Rev	0.00	0.00	0.00	0.00	0.00
6806 Determination of Similar Use	0.00	0.00	0.00	0.00	0.00
6807 Planning Commission Interpretation	0.00	0.00	0.00	0.00	0.00
6808 Request for Reasonable Accomodation	0.00	0.00	0.00	0.00	0.00
6809 Categorical Exemption	1,800.00	900.00	900.00	900.00	50.00
6810 Deed Restriction/Covenant Review	1,300.00	4,620.00	4,620.00	-3,320.00	355.38
6811 Landscape Plan Review	8,520.00	6,248.00	6,248.00	2,272.00	73.33
6812 Planning Landscape Doc Package Review	0.00	0.00	0.00	0.00	0.00
6813 Preliminary Plan Review	372.00	868.00	868.00	-496.00	233.33
6814 Extra Meeting	0.00	0.00	0.00	0.00	0.00
6815 Special Meeting	0.00	0.00	0.00	0.00	0.00

Revenue Status Report

CITY OF HERMOSA BEACH  
 7/1/2018 through 11/30/2018

001 General Fund

<u>Account Number</u>	<u>Adjusted Estimate</u>	<u>Revenues</u>	<u>Year-to-date Revenues</u>	<u>Balance</u>	<u>Prct Rcvd</u>
6816 Traffic/Special Study Review	0.00	0.00	0.00	0.00	0.00
6818 New/Modified Business Zoning Review	0.00	0.00	0.00	0.00	0.00
6819 Historic Resource Review	0.00	0.00	0.00	0.00	0.00
6820 Appeal to the Planning Commission	0.00	0.00	0.00	0.00	0.00
6821 Solar Plan Check/Inspection	834.00	2,724.50	2,724.50	-1,890.50	326.68
6822 Temporary Certificate of Occupancy	0.00	0.00	0.00	0.00	0.00
6823 Damaged Building Inspection	0.00	0.00	0.00	0.00	0.00
6824 Extended Construction Hours Review	0.00	0.00	0.00	0.00	0.00
6825 Clean Bay Restaurant - NPDES Inspection	20,600.00	200.00	200.00	20,400.00	0.97
6826 Light Industry - NPDES Inspection	0.00	0.00	0.00	0.00	0.00
6827 Stormwater Mitigation Plan Review	0.00	0.00	0.00	0.00	0.00
6828 Public Improvement Plan Check	56,912.00	27,414.00	27,414.00	29,498.00	48.17
6829 Street/Row Vacation Review	0.00	0.00	0.00	0.00	0.00
6830 Engineering Study Review	0.00	0.00	0.00	0.00	0.00
6831 Assessment District Formation Research	0.00	0.00	0.00	0.00	0.00
6832 DUI Collision Response	581.00	0.00	0.00	581.00	0.00
6833 Vehicle Identification Verification	0.00	0.00	0.00	0.00	0.00
6834 Citation Sign-off	460.00	415.00	415.00	45.00	90.22
6835 Taxicab Inspection	104.00	0.00	0.00	104.00	0.00
6836 Police Business Background Check	263.00	0.00	0.00	263.00	0.00
6837 Deceased Animal Pickup	114.00	57.00	57.00	57.00	50.00
6838 Animal Trap Rental	0.00	0.00	0.00	0.00	0.00
6839 Pet Home Quarantine Review	57.00	0.00	0.00	57.00	0.00
6840 Multiple Dog Review	216.00	0.00	0.00	216.00	0.00



Revenue Status Report

CITY OF HERMOSA BEACH  
 7/1/2018 through 11/30/2018

001 General Fund

<u>Account Number</u>	<u>Adjusted Estimate</u>	<u>Revenues</u>	<u>Year-to-date Revenues</u>	<u>Balance</u>	<u>Prct Rcvd</u>
6841 Fire Sprinkler System Insp - New Install	0.00	750.00	750.00	-750.00	0.00
6842 Miscellaneous Fire Code Permit	0.00	0.00	0.00	0.00	0.00
6843 State Mandated Fire Inspection	0.00	0.00	0.00	0.00	0.00
6844 Fire False Alarm Response	0.00	0.00	0.00	0.00	0.00
6845 Hazardous Materials Spill Response	0.00	0.00	0.00	0.00	0.00
6846 Parking Cash Key Processing	0.00	0.00	0.00	0.00	0.00
6847 Document Certification	10.00	0.00	0.00	10.00	0.00
6848 Fire Standby Services	0.00	0.00	0.00	0.00	0.00
6849 Traffic Plan Review	0.00	0.00	0.00	0.00	0.00
6850 Annual Business Fire Inspection	0.00	0.00	0.00	0.00	0.00
6851 Busines Licenses State Mandated Fee	0.00	3,712.30	3,712.30	-3,712.30	0.00
6852 Centennial Sweatshir	0.00	0.00	0.00	0.00	0.00
6860 Refuse Lien Fees/Athens	350.00	0.00	0.00	350.00	0.00
6861 Oversized Vehicle Permit	738.00	287.00	287.00	451.00	38.89
6862 Athens Reimbursement	0.00	0.00	0.00	0.00	0.00
6866 Records Technology Fee	0.00	0.00	0.00	0.00	0.00
6867 Credit Card Processing Fee	34,352.00	26,889.20	26,889.20	7,462.80	78.28
6868 Alternate Materials/Methods Review	0.00	0.00	0.00	0.00	0.00
6869 Disabled Parking Space Install	0.00	0.00	0.00	0.00	0.00
6870 Public Tree Install Review	0.00	0.00	0.00	0.00	0.00
6871 Sewer Service Charge Rebate	-9,000.00	-4,055.28	-4,055.28	-4,944.72	45.06
6872 PY Sewer Service Charge Rebate	0.00	0.00	0.00	0.00	0.00
6873 Impound Fee- Bicycle, Scooters & Wheeled	0.00	0.00	0.00	0.00	0.00
6874 Limited Live Entertainment Permit Fee	0.00	0.00	0.00	0.00	0.00

Revenue Status Report

CITY OF HERMOSA BEACH  
 7/1/2018 through 11/30/2018

001 General Fund

<u>Account Number</u>	<u>Adjusted Estimate</u>	<u>Revenues</u>	<u>Year-to-date Revenues</u>	<u>Balance</u>	<u>Prct Rcvd</u>
Total Current Service Charges Continued	120,083.00	72,529.72	72,529.72	47,553.28	60.40
Total General Fund	40,502,767.00	9,231,234.95	9,231,234.95	31,271,532.05	22.79

Revenue Status Report

CITY OF HERMOSA BEACH  
 7/1/2018 through 11/30/2018

105 Lightg/Landscapg Dist Fund

<u>Account Number</u>	<u>Adjusted Estimate</u>	<u>Revenues</u>	<u>Year-to-date Revenues</u>	<u>Balance</u>	<u>Prct Rcvd</u>
3100 Taxes					
3101 Current Year Secured	454,988.00	0.00	0.00	454,988.00	0.00
3103 Prior Year Collections	5,122.00	3,363.53	3,363.53	1,758.47	65.67
3105 Assessment Rebates	-4,184.00	-984.40	-984.40	-3,199.60	23.53
<b>Total Taxes</b>	<b>455,926.00</b>	<b>2,379.13</b>	<b>2,379.13</b>	<b>453,546.87</b>	<b>0.52</b>
3400 Use Of Money & Property					
3401 Interest Income	0.00	137.91	137.91	-137.91	0.00
3450 Investment Discount	0.00	0.57	0.57	-0.57	0.00
3460 Unrealized Gain(Loss) On Inv	0.00	0.00	0.00	0.00	0.00
3475 Investment Premium	0.00	0.00	0.00	0.00	0.00
<b>Total Use Of Money &amp; Property</b>	<b>0.00</b>	<b>138.48</b>	<b>138.48</b>	<b>-138.48</b>	<b>0.00</b>
3900 Other Revenue					
3902 Refunds/Reimb Previous Years	0.00	0.00	0.00	0.00	0.00
3904 General Miscellaneous	0.00	0.00	0.00	0.00	0.00
3955 Operating Transfers In	210,463.00	87,695.00	87,695.00	122,768.00	41.67
<b>Total Other Revenue</b>	<b>210,463.00</b>	<b>87,695.00</b>	<b>87,695.00</b>	<b>122,768.00</b>	<b>41.67</b>
<b>Total Lightg/Landscapg Dist Fund</b>	<b>666,389.00</b>	<b>90,212.61</b>	<b>90,212.61</b>	<b>576,176.39</b>	<b>13.54</b>

Revenue Status Report

CITY OF HERMOSA BEACH  
 7/1/2018 through 11/30/2018

115 State Gas Tax Fund

<u>Account Number</u>	<u>Adjusted Estimate</u>	<u>Revenues</u>	<u>Year-to-date Revenues</u>	<u>Balance</u>	<u>Prct Rcvd</u>
3400 Use Of Money & Property					
3401 Interest Income	2,179.00	2,199.25	2,199.25	-20.25	100.93
3450 Investment Discount	7.00	9.16	9.16	-2.16	130.86
3460 Unrealized Gain(Loss) On Inv	0.00	0.00	0.00	0.00	0.00
3475 Investment Premium	0.00	0.00	0.00	0.00	0.00
<b>Total Use Of Money &amp; Property</b>	2,186.00	2,208.41	2,208.41	-22.41	101.03
3500 Intergovernmental/State					
3501 Section 2106 Allocation	71,348.00	29,206.39	29,206.39	42,141.61	40.94
3502 Section 2107 Allocation	142,485.00	53,138.31	53,138.31	89,346.69	37.29
3503 Section 2107.5 Allocation	4,000.00	4,000.00	4,000.00	0.00	100.00
3512 Section 2105 (Prop 111)	114,779.00	45,512.67	45,512.67	69,266.33	39.65
3513 Sec 2103 Higher Mtr Veh Excise Tax(HUTA)	75,071.00	34,940.85	34,940.85	40,130.15	46.54
3522 TDA Article 3/Local	0.00	0.00	0.00	0.00	0.00
3566 Loan Repayment- HUTA Transportation Fds	22,300.00	0.00	0.00	22,300.00	0.00
3567 Road Maintenance Rehab Account	328,215.00	91,600.73	91,600.73	236,614.27	27.91
<b>Total Intergovernmental/State</b>	758,198.00	258,398.95	258,398.95	499,799.05	34.08
<b>Total State Gas Tax Fund</b>	760,384.00	260,607.36	260,607.36	499,776.64	34.27

Revenue Status Report

CITY OF HERMOSA BEACH  
 7/1/2018 through 11/30/2018

117 AB939 Fund

<u>Account Number</u>	<u>Adjusted Estimate</u>	<u>Revenues</u>	<u>Year-to-date Revenues</u>	<u>Balance</u>	<u>Prct Rcvd</u>
3400 Use Of Money & Property					
3401 Interest Income	939.00	550.82	550.82	388.18	58.66
3450 Investment Discount	3.00	1.95	1.95	1.05	65.00
3460 Unrealized Gain(Loss) On Inv	0.00	0.00	0.00	0.00	0.00
3475 Investment Premium	0.00	0.00	0.00	0.00	0.00
<b>Total Use Of Money &amp; Property</b>	942.00	552.77	552.77	389.23	58.68
3800 Current Service Charges					
3860 AB939 Surcharge	58,632.00	22,509.49	22,509.49	36,122.51	38.39
3874 Compost/Worm Bin	0.00	0.00	0.00	0.00	0.00
<b>Total Current Service Charges</b>	58,632.00	22,509.49	22,509.49	36,122.51	38.39
3900 Other Revenue					
3902 Refunds/Reimb Previous Years	0.00	0.00	0.00	0.00	0.00
<b>Total Other Revenue</b>	0.00	0.00	0.00	0.00	0.00
6800 Current Service Charges Continued					
6853 Solid Waste Contracting Fee	0.00	0.00	0.00	0.00	0.00
<b>Total Current Service Charges Continued</b>	0.00	0.00	0.00	0.00	0.00
<b>Total AB939 Fund</b>	59,574.00	23,062.26	23,062.26	36,511.74	38.71

Revenue Status Report

CITY OF HERMOSA BEACH  
 7/1/2018 through 11/30/2018

121 Prop A Open Space Fund

<u>Account Number</u>	<u>Adjusted Estimate</u>	<u>Revenues</u>	<u>Year-to-date Revenues</u>	<u>Balance</u>	<u>Prct Rcvd</u>
3600 Intergovernmental/County					
3608 Maintenance Allocation	20,557.00	0.00	0.00	20,557.00	0.00
3613 Beach Restroom Rehab/Co Share	0.00	0.00	0.00	0.00	0.00
3630 Maint Allocation-Pier Structural Repairs	0.00	0.00	0.00	0.00	0.00
3631 South Park Phase I Improvements Grant	0.00	0.00	0.00	0.00	0.00
<b>Total Prop A Open Space Fund</b>	<b>20,557.00</b>	<b>0.00</b>	<b>0.00</b>	<b>20,557.00</b>	<b>0.00</b>

Revenue Status Report

CITY OF HERMOSA BEACH  
 7/1/2018 through 11/30/2018

122 Tyco Fund

<u>Account Number</u>	<u>Adjusted Estimate</u>	<u>Revenues</u>	<u>Year-to-date Revenues</u>	<u>Balance</u>	<u>Prct Rcvd</u>
3400 Use Of Money & Property					
3401 Interest Income	17,010.00	10,108.37	10,108.37	6,901.63	59.43
3426 Easement Agreement	318,845.00	163,678.86	163,678.86	155,166.14	51.33
3450 Investment Discount	52.00	37.64	37.64	14.36	72.38
3475 Investment Premium	0.00	0.00	0.00	0.00	0.00
<b>Total Tyco Fund</b>	<b>335,907.00</b>	<b>173,824.87</b>	<b>173,824.87</b>	<b>162,082.13</b>	<b>51.75</b>

Revenue Status Report

CITY OF HERMOSA BEACH  
 7/1/2018 through 11/30/2018

125 Park/Rec Facility Tax Fund

<u>Account Number</u>	<u>Adjusted Estimate</u>	<u>Revenues</u>	<u>Year-to-date Revenues</u>	<u>Balance</u>	<u>Prct Rcvd</u>
3100 Taxes					
3116 Parks & Recreation Facility Tax	0.00	14,986.00	14,986.00	-14,986.00	0.00
<b>Total Taxes</b>	0.00	14,986.00	14,986.00	-14,986.00	0.00
3400 Use Of Money & Property					
3401 Interest Income	4,169.00	2,503.03	2,503.03	1,665.97	60.04
3450 Investment Discount	15.00	9.28	9.28	5.72	61.87
3475 Investment Premium	0.00	0.00	0.00	0.00	0.00
<b>Total Use Of Money &amp; Property</b>	4,184.00	2,512.31	2,512.31	1,671.69	60.05
3900 Other Revenue					
3903 Contributions Non Govt	0.00	0.00	0.00	0.00	0.00
3910 Park/Recreation In Lieu Fee	157,361.00	143,113.00	143,113.00	14,248.00	90.95
<b>Total Other Revenue</b>	157,361.00	143,113.00	143,113.00	14,248.00	90.95
<b>Total Park/Rec Facility Tax Fund</b>	161,545.00	160,611.31	160,611.31	933.69	99.42



Revenue Status Report

CITY OF HERMOSA BEACH  
 7/1/2018 through 11/30/2018

135 Bayview Dr Dist Admin Exp Fund

<u>Account Number</u>	<u>Adjusted Estimate</u>	<u>Revenues</u>	<u>Year-to-date Revenues</u>	<u>Balance</u>	<u>Prct Rcvd</u>
3400 Use Of Money & Property					
3401 Interest Income	53.00	15.40	15.40	37.60	29.06
<b>Total Use Of Money &amp; Property</b>	53.00	15.40	15.40	37.60	29.06
3900 Other Revenue					
3925 Spec Assessment Admin Fees	4,500.00	0.00	0.00	4,500.00	0.00
<b>Total Other Revenue</b>	4,500.00	0.00	0.00	4,500.00	0.00
<b>Total Bayview Dr Dist Admin Exp Fund</b>	4,553.00	15.40	15.40	4,537.60	0.34

Revenue Status Report

CITY OF HERMOSA BEACH  
 7/1/2018 through 11/30/2018

136 Lower Pier Admin Exp Fund

<u>Account Number</u>	<u>Adjusted Estimate</u>	<u>Revenues</u>	<u>Year-to-date Revenues</u>	<u>Balance</u>	<u>Prct Rcvd</u>
3900 Other Revenue					
3925 Special Assessment Admin Fees	2,600.00	0.00	0.00	2,600.00	0.00
<b>Total Lower Pier Admin Exp Fund</b>	<b>2,600.00</b>	<b>0.00</b>	<b>0.00</b>	<b>2,600.00</b>	<b>0.00</b>

Revenue Status Report

CITY OF HERMOSA BEACH  
 7/1/2018 through 11/30/2018

137 Myrtle Dist Admin Exp Fund

<u>Account Number</u>	<u>Adjusted Estimate</u>	<u>Revenues</u>	<u>Year-to-date Revenues</u>	<u>Balance</u>	<u>Prct Rcvd</u>
3400 Use Of Money & Property					
3401 Interest Income	233.00	50.20	50.20	182.80	21.55
<b>Total Use Of Money &amp; Property</b>	233.00	50.20	50.20	182.80	21.55
3900 Other Revenue					
3925 Special Assessment Admin Fees	9,000.00	0.00	0.00	9,000.00	0.00
<b>Total Other Revenue</b>	9,000.00	0.00	0.00	9,000.00	0.00
<b>Total Myrtle Dist Admin Exp Fund</b>	9,233.00	50.20	50.20	9,182.80	0.54

Revenue Status Report

CITY OF HERMOSA BEACH  
 7/1/2018 through 11/30/2018

138 Loma Dist Admin Exp Fund

<u>Account Number</u>	<u>Adjusted Estimate</u>	<u>Revenues</u>	<u>Year-to-date Revenues</u>	<u>Balance</u>	<u>Prct Rcvd</u>
3400 Use Of Money & Property					
3401 Interest Income	420.00	140.34	140.34	279.66	33.41
<b>Total Use Of Money &amp; Property</b>	420.00	140.34	140.34	279.66	33.41
3900 Other Revenue					
3925 Special Assessment Admin Fees	10,000.00	0.00	0.00	10,000.00	0.00
<b>Total Other Revenue</b>	10,000.00	0.00	0.00	10,000.00	0.00
<b>Total Loma Dist Admin Exp Fund</b>	10,420.00	140.34	140.34	10,279.66	1.35

Revenue Status Report

CITY OF HERMOSA BEACH  
 7/1/2018 through 11/30/2018

139 Beach Dr Assmnt Dist Admin Exp Fund

<u>Account Number</u>	<u>Adjusted Estimate</u>	<u>Revenues</u>	<u>Year-to-date Revenues</u>	<u>Balance</u>	<u>Prct Rcvd</u>
3400 Use Of Money & Property					
3401 Interest Income	69.00	19.99	19.99	49.01	28.97
<b>Total Use Of Money &amp; Property</b>	69.00	19.99	19.99	49.01	28.97
3900 Other Revenue					
3925 Special Assessment Admin Fees	3,500.00	0.00	0.00	3,500.00	0.00
<b>Total Other Revenue</b>	3,500.00	0.00	0.00	3,500.00	0.00
<b>Total Beach Dr Assmnt Dist Admin Exp Fund</b>	3,569.00	19.99	19.99	3,549.01	0.56

**Revenue Status Report**

CITY OF HERMOSA BEACH  
 7/1/2018 through 11/30/2018

**140 Community Dev Block Grant**

<u>Account Number</u>	<u>Adjusted Estimate</u>	<u>Revenues</u>	<u>Year-to-date Revenues</u>	<u>Balance</u>	<u>Prct Rcvd</u>
3700 Intergovernmental/Federal					
3715 CDBG Administration	0.00	0.00	0.00	0.00	0.00
3720 Americans with Disabilities Act	120,000.00	0.00	0.00	120,000.00	0.00
<b>Total Community Dev Block Grant</b>	<b>120,000.00</b>	<b>0.00</b>	<b>0.00</b>	<b>120,000.00</b>	<b>0.00</b>

Revenue Status Report

CITY OF HERMOSA BEACH  
 7/1/2018 through 11/30/2018

145 Proposition A Fund

<u>Account Number</u>	<u>Adjusted Estimate</u>	<u>Revenues</u>	<u>Year-to-date Revenues</u>	<u>Balance</u>	<u>Prct Rcvd</u>
3100 Taxes					
3117 Proposition A Transit	383,939.00	165,592.94	165,592.94	218,346.06	43.13
<b>Total Taxes</b>	383,939.00	165,592.94	165,592.94	218,346.06	43.13
3400 Use Of Money & Property					
3401 Interest Income	28,160.00	14,144.01	14,144.01	14,015.99	50.23
3450 Investment Discount	106.00	51.74	51.74	54.26	48.81
3475 Investment Premium	0.00	0.00	0.00	0.00	0.00
<b>Total Use Of Money &amp; Property</b>	28,266.00	14,195.75	14,195.75	14,070.25	50.22
3800 Current Service Charges					
3853 Dial-A-Taxi Program	4,600.00	2,190.00	2,190.00	2,410.00	47.61
3855 Bus Passes	800.00	239.40	239.40	560.60	29.93
<b>Total Current Service Charges</b>	5,400.00	2,429.40	2,429.40	2,970.60	44.99
<b>Total Proposition A Fund</b>	417,605.00	182,218.09	182,218.09	235,386.91	43.63

Revenue Status Report

CITY OF HERMOSA BEACH  
 7/1/2018 through 11/30/2018

146 Proposition C Fund

<u>Account Number</u>	<u>Adjusted Estimate</u>	<u>Revenues</u>	<u>Year-to-date Revenues</u>	<u>Balance</u>	<u>Prct Rcvd</u>
3100 Taxes					
3118 Proposition C Local Return	318,467.00	137,355.34	137,355.34	181,111.66	43.13
<b>Total Taxes</b>	318,467.00	137,355.34	137,355.34	181,111.66	43.13
3400 Use Of Money & Property					
3401 Interest Income	30,918.00	11,386.53	11,386.53	19,531.47	36.83
3450 Investment Discount	111.00	41.81	41.81	69.19	37.67
3475 Investment Premium	0.00	0.00	0.00	0.00	0.00
<b>Total Use Of Money &amp; Property</b>	31,029.00	11,428.34	11,428.34	19,600.66	36.83
<b>Total Proposition C Fund</b>	349,496.00	148,783.68	148,783.68	200,712.32	42.57



Revenue Status Report

CITY OF HERMOSA BEACH  
 7/1/2018 through 11/30/2018

147 Measure R Fund

<u>Account Number</u>	<u>Adjusted Estimate</u>	<u>Revenues</u>	<u>Year-to-date Revenues</u>	<u>Balance</u>	<u>Prct Rcvd</u>
3100 Taxes					
3119 Measure R Local Return Funds	238,856.00	103,104.06	103,104.06	135,751.94	43.17
<b>Total Taxes</b>	238,856.00	103,104.06	103,104.06	135,751.94	43.17
3400 Use Of Money & Property					
3401 Interest Income	18,086.00	9,965.86	9,965.86	8,120.14	55.10
3450 Investment Discount	64.00	36.48	36.48	27.52	57.00
3460 Unrealized Gain(Loss) On Inv	0.00	0.00	0.00	0.00	0.00
3475 Investment Premium	0.00	0.00	0.00	0.00	0.00
<b>Total Use Of Money &amp; Property</b>	18,150.00	10,002.34	10,002.34	8,147.66	55.11
3900 Other Revenue					
3970 Measure R SBCCOG South Bay Highway Pr	399,922.00	15,596.66	15,596.66	384,325.34	3.90
<b>Total Other Revenue</b>	399,922.00	15,596.66	15,596.66	384,325.34	3.90
<b>Total Measure R Fund</b>	656,928.00	128,703.06	128,703.06	528,224.94	19.59

Revenue Status Report

CITY OF HERMOSA BEACH  
 7/1/2018 through 11/30/2018

148 Measure M

<u>Account Number</u>	<u>Adjusted Estimate</u>	<u>Revenues</u>	<u>Year-to-date Revenues</u>	<u>Balance</u>	<u>Prct Rcvd</u>
3100 Taxes					
3118 Local Returns	0.00	0.00	0.00	0.00	0.00
3119 Measure R Local Return Funds	0.00	0.00	0.00	0.00	0.00
3131 Measure M Local Return Funds	270,697.00	115,966.25	115,966.25	154,730.75	42.84
<b>Total Taxes</b>	270,697.00	115,966.25	115,966.25	154,730.75	42.84
3400 Use Of Money & Property					
3401 Interest Income	701.00	2,711.37	2,711.37	-2,010.37	386.79
3450 Investment Discount	0.00	9.78	9.78	-9.78	0.00
3460 Unrealized Gain(Loss) On Inv	0.00	0.00	0.00	0.00	0.00
3475 Investment Premium	0.00	0.00	0.00	0.00	0.00
<b>Total Use Of Money &amp; Property</b>	701.00	2,721.15	2,721.15	-2,020.15	388.18
3900 Other Revenue					
3970 Measure R SBCCOG South Bay Highway Pr	0.00	0.00	0.00	0.00	0.00
<b>Total Other Revenue</b>	0.00	0.00	0.00	0.00	0.00
<b>Total Measure M</b>	271,398.00	118,687.40	118,687.40	152,710.60	43.73

Revenue Status Report

CITY OF HERMOSA BEACH  
 7/1/2018 through 11/30/2018

150 Grants Fund

<u>Account Number</u>	<u>Adjusted Estimate</u>	<u>Revenues</u>	<u>Year-to-date Revenues</u>	<u>Balance</u>	<u>Prct Rcvd</u>
3500 Intergovernmental/State					
3558 Beverage Recycling Grant	31,881.00	0.00	0.00	31,881.00	0.00
3562 State Homeland Security Grant Program	77,526.00	0.00	0.00	77,526.00	0.00
3566 Coastal Conservancy Grant	0.00	0.00	0.00	0.00	0.00
3571 Local Coastal Assistance Grant	0.00	0.00	0.00	0.00	0.00
3572 Local Coastal Assistance Grant 2017	82,812.00	0.00	0.00	82,812.00	0.00
3573 Alcoholic Beverage Control Grant (ABC)	0.00	0.00	0.00	0.00	0.00
3580 BSCC- Mental Health Evaluation Team	21,854.00	0.00	0.00	21,854.00	0.00
3581 SWRCB- Storm Water Grant Program	1,349,700.00	0.00	0.00	1,349,700.00	0.00
<b>Total Intergovernmental/State</b>	<b>1,563,773.00</b>	<b>0.00</b>	<b>0.00</b>	<b>1,563,773.00</b>	<b>0.00</b>
3700 Intergovernmental/Federal					
3732 STPL Street Improvement Reimb	0.00	0.00	0.00	0.00	0.00
3734 Solar Grant TBD/Energy Upgrades	0.00	0.00	0.00	0.00	0.00
3736 Bulletproof Vest Partnership	2,700.00	0.00	0.00	2,700.00	0.00
3740 SWRCB (ARRA)/Strand Infiltration Trench	0.00	0.00	0.00	0.00	0.00
3741 SWRCB (ARRA)/Pier Ave Impr Project	0.00	0.00	0.00	0.00	0.00
3742 STPL Pier St Impr Grant CIP 129 (ARRA)	0.00	0.00	0.00	0.00	0.00
3745 Energy Eff & Conserv Block Grant (ARRA)	0.00	0.00	0.00	0.00	0.00
3746 State Safe Routes to School (SR2S)	0.00	0.00	0.00	0.00	0.00
3747 Fed HSIP Grnt-Valley School Signal	0.00	0.00	0.00	0.00	0.00
3748 Gen Plan/Coastal/Strat Growth Council	23,013.00	0.00	0.00	23,013.00	0.00
3749 SCE Rule 20A Funds/PCH Beautification	0.00	0.00	0.00	0.00	0.00

Revenue Status Report

CITY OF HERMOSA BEACH  
 7/1/2018 through 11/30/2018

150 Grants Fund

<u>Account Number</u>	<u>Adjusted Estimate</u>	<u>Revenues</u>	<u>Year-to-date Revenues</u>	<u>Balance</u>	<u>Prct Rcvd</u>
3750 Dept of Justice- Body Worn Cameras	41,681.00	0.00	0.00	41,681.00	0.00
<b>Total Intergovernmental/Federal</b>	67,394.00	0.00	0.00	67,394.00	0.00
3900 Other Revenue					
3965 Fireman's Fund Emerg Prep Prog Grant	0.00	0.00	0.00	0.00	0.00
3966 West Basin WD Grant- Reclaimed Waterline	0.00	0.00	0.00	0.00	0.00
3970 Melchione Trust- Surf Memorial	0.00	0.00	0.00	0.00	0.00
3971 LA Country Library	43,308.00	0.00	0.00	43,308.00	0.00
3972 Caltrans Reimbursement	0.00	0.00	0.00	0.00	0.00
3973 Caltrans Cooperative Agreement PCH&2nd	134,000.00	134,000.00	134,000.00	0.00	100.00
3974 South Park- Prop A Open Space Grant	0.00	0.00	0.00	0.00	0.00
3980 SWGP- Manhattan Beach Reimb	36,996.00	0.00	0.00	36,996.00	0.00
3981 SWGP- Redondo Beach Reimb	751,771.00	0.00	0.00	751,771.00	0.00
3982 SWGP- Torrance Reimb	489,834.00	0.00	0.00	489,834.00	0.00
3983 City Homelessness Planning Grant	2,364.00	15,000.00	15,000.00	-12,636.00	634.52
3984 Systemic Safety Analysis Report Program	84,150.00	0.00	0.00	84,150.00	0.00
3985 California Green Business Program	30,000.00	30,000.00	30,000.00	0.00	100.00
<b>Total Other Revenue</b>	1,572,423.00	179,000.00	179,000.00	1,393,423.00	11.38
<b>Total Grants Fund</b>	3,203,590.00	179,000.00	179,000.00	3,024,590.00	5.59

Revenue Status Report

CITY OF HERMOSA BEACH  
 7/1/2018 through 11/30/2018

152 Air Quality Mgmt Dist Fund

<u>Account Number</u>	<u>Adjusted Estimate</u>	<u>Revenues</u>	<u>Year-to-date Revenues</u>	<u>Balance</u>	<u>Prct Rcvd</u>
3400 Use Of Money & Property					
3401 Interest Income	1,554.00	39.79	39.79	1,514.21	2.56
3450 Investment Discount	5.00	0.13	0.13	4.87	2.60
3475 Investment Premium	0.00	0.00	0.00	0.00	0.00
<b>Total Use Of Money &amp; Property</b>	1,559.00	39.92	39.92	1,519.08	2.56
3500 Intergovernmental/State					
3538 AQMD Emission Control AB2766	25,000.00	0.00	0.00	25,000.00	0.00
3551 MSRC Discretionary Matching Funds	0.00	0.00	0.00	0.00	0.00
<b>Total Intergovernmental/State</b>	25,000.00	0.00	0.00	25,000.00	0.00
<b>Total Air Quality Mgmt Dist Fund</b>	26,559.00	39.92	39.92	26,519.08	0.15

Revenue Status Report

CITY OF HERMOSA BEACH  
 7/1/2018 through 11/30/2018

153 Supp Law Enf Serv Fund (SLESF)

<u>Account Number</u>	<u>Adjusted Estimate</u>	<u>Revenues</u>	<u>Year-to-date Revenues</u>	<u>Balance</u>	<u>Prct Rcvd</u>
3100 Taxes					
3135 C.O.P.S. Allocation	100,000.00	68,028.91	68,028.91	31,971.09	68.03
<b>Total Taxes</b>	100,000.00	68,028.91	68,028.91	31,971.09	68.03
3400 Use Of Money & Property					
3401 Interest Income	4,470.00	2,009.83	2,009.83	2,460.17	44.96
3450 Investment Discount	10.00	7.60	7.60	2.40	76.00
3475 Investment Premium	0.00	0.00	0.00	0.00	0.00
<b>Total Use Of Money &amp; Property</b>	4,480.00	2,017.43	2,017.43	2,462.57	45.03
<b>Total Supp Law Enf Serv Fund (SLESF)</b>	104,480.00	70,046.34	70,046.34	34,433.66	67.04

Revenue Status Report

CITY OF HERMOSA BEACH  
 7/1/2018 through 11/30/2018

160 Sewer Fund

<u>Account Number</u>	<u>Adjusted Estimate</u>	<u>Revenues</u>	<u>Year-to-date Revenues</u>	<u>Balance</u>	<u>Prct Rcvd</u>
3400 Use Of Money & Property					
3401 Interest Income	123,380.00	57,030.54	57,030.54	66,349.46	46.22
3450 Investment Discount	483.00	209.61	209.61	273.39	43.40
3475 Investment Premium	0.00	0.00	0.00	0.00	0.00
<b>Total Use Of Money &amp; Property</b>	123,863.00	57,240.15	57,240.15	66,622.85	46.21
3500 Intergovernmental/State					
3550 CA Waste Oil Recycling Grant	5,400.00	0.00	0.00	5,400.00	0.00
<b>Total Intergovernmental/State</b>	5,400.00	0.00	0.00	5,400.00	0.00
3600 Intergovernmental/County					
3602 Beach Outlet Maintenance	8,000.00	0.00	0.00	8,000.00	0.00
<b>Total Intergovernmental/County</b>	8,000.00	0.00	0.00	8,000.00	0.00
3800 Current Service Charges					
3828 Sewer Connection Fee	55,000.00	20,058.00	20,058.00	34,942.00	36.47
3829 Sewer Demolition Fee	2,600.00	1,612.00	1,612.00	988.00	62.00
3832 Sewer Lateral Installation	22,346.00	12,216.00	12,216.00	10,130.00	54.67
<b>Total Current Service Charges</b>	79,946.00	33,886.00	33,886.00	46,060.00	42.39
3900 Other Revenue					
3902 Refunds/Reimb Previous Years	0.00	0.00	0.00	0.00	0.00
3922 Other Financing Source- Debt Issuance	0.00	0.00	0.00	0.00	0.00
3955 Operating Transfers In	0.00	0.00	0.00	0.00	0.00

Revenue Status Report

CITY OF HERMOSA BEACH  
 7/1/2018 through 11/30/2018

160 Sewer Fund

<u>Account Number</u>	<u>Adjusted Estimate</u>	<u>Revenues</u>	<u>Year-to-date Revenues</u>	<u>Balance</u>	<u>Prct Rcvd</u>
Total Other Revenue	0.00	0.00	0.00	0.00	0.00
6800 Current Service Charges Continued					
6861 Sewer Service Charge	1,050,155.00	4,689.01	4,689.01	1,045,465.99	0.45
Total Current Service Charges Continued	1,050,155.00	4,689.01	4,689.01	1,045,465.99	0.45
Total Sewer Fund	1,267,364.00	95,815.16	95,815.16	1,171,548.84	7.56



Revenue Status Report

CITY OF HERMOSA BEACH  
 7/1/2018 through 11/30/2018

161 Storm Drains Fund

<u>Account Number</u>	<u>Adjusted Estimate</u>	<u>Revenues</u>	<u>Year-to-date Revenues</u>	<u>Balance</u>	<u>Prct Rcvd</u>
3900 Other Revenue					
3955 Operating Transfers In	700,000.00	291,665.00	291,665.00	408,335.00	41.67
<b>Total Storm Drains Fund</b>	<b>700,000.00</b>	<b>291,665.00</b>	<b>291,665.00</b>	<b>408,335.00</b>	<b>41.67</b>

Revenue Status Report

CITY OF HERMOSA BEACH  
 7/1/2018 through 11/30/2018

170 Asset Seizure/Forft Fund

<u>Account Number</u>	<u>Adjusted Estimate</u>	<u>Revenues</u>	<u>Year-to-date Revenues</u>	<u>Balance</u>	<u>Prct Rcvd</u>
3300 Fines & Forfeitures					
3304 State Forfeited Funds	0.00	0.00	0.00	0.00	0.00
3307 Department of Justice Forfeited Funds	0.00	11,528.74	11,528.74	-11,528.74	0.00
3308 Department of Treasury Forfeited Funds	0.00	0.00	0.00	0.00	0.00
<b>Total Fines &amp; Forfeitures</b>	0.00	11,528.74	11,528.74	-11,528.74	0.00
3400 Use Of Money & Property					
3401 Interest Income	9,200.00	5,045.02	5,045.02	4,154.98	54.84
3450 Investment Discount	21.00	18.48	18.48	2.52	88.00
3475 Investment Premium	0.00	0.00	0.00	0.00	0.00
<b>Total Use Of Money &amp; Property</b>	9,221.00	5,063.50	5,063.50	4,157.50	54.91
3900 Other Revenue					
3903 Contributions Non Govt	0.00	0.00	0.00	0.00	0.00
<b>Total Other Revenue</b>	0.00	0.00	0.00	0.00	0.00
<b>Total Asset Seizure/Forft Fund</b>	9,221.00	16,592.24	16,592.24	-7,371.24	179.94

Revenue Status Report

CITY OF HERMOSA BEACH  
 7/1/2018 through 11/30/2018

180 Fire Protection Fund

<u>Account Number</u>	<u>Adjusted Estimate</u>	<u>Revenues</u>	<u>Year-to-date Revenues</u>	<u>Balance</u>	<u>Prct Rcvd</u>
3400 Use Of Money & Property					
3401 Interest Income	2,205.00	781.19	781.19	1,423.81	35.43
3450 Investment Discount	8.00	2.94	2.94	5.06	36.75
3475 Investment Premium	0.00	0.00	0.00	0.00	0.00
<b>Total Use Of Money &amp; Property</b>	2,213.00	784.13	784.13	1,428.87	35.43
3900 Other Revenue					
3912 Fire Flow Fee	48,751.00	9,920.85	9,920.85	38,830.15	20.35
<b>Total Other Revenue</b>	48,751.00	9,920.85	9,920.85	38,830.15	20.35
<b>Total Fire Protection Fund</b>	50,964.00	10,704.98	10,704.98	40,259.02	21.00

Revenue Status Report

CITY OF HERMOSA BEACH  
 7/1/2018 through 11/30/2018

190 RTI Undersea Cable

<u>Account Number</u>	<u>Adjusted Estimate</u>	<u>Revenues</u>	<u>Year-to-date Revenues</u>	<u>Balance</u>	<u>Prct Rcvd</u>
3400 Use Of Money & Property					
3401 Interest Income	0.00	3,194.63	3,194.63	-3,194.63	0.00
3426 Easement Agreement	45,000.00	0.00	0.00	45,000.00	0.00
3450 Investment Discount	0.00	11.73	11.73	-11.73	0.00
3475 Investment Premium	0.00	0.00	0.00	0.00	0.00
<b>Total RTI Undersea Cable</b>	<b>45,000.00</b>	<b>3,206.36</b>	<b>3,206.36</b>	<b>41,793.64</b>	<b>7.13</b>

Revenue Status Report

CITY OF HERMOSA BEACH  
 7/1/2018 through 11/30/2018

191 RTI Tidelands

<u>Account Number</u>	<u>Adjusted Estimate</u>	<u>Revenues</u>	<u>Year-to-date Revenues</u>	<u>Balance</u>	<u>Prct Rcvd</u>
3400 Use Of Money & Property					
3401 Interest Income	0.00	2,323.36	2,323.36	-2,323.36	0.00
3426 Easement Agreement	0.00	0.00	0.00	0.00	0.00
3450 Investment Discount	0.00	8.51	8.51	-8.51	0.00
3475 Investment Premium	0.00	0.00	0.00	0.00	0.00
<b>Total RTI Tidelands</b>	0.00	2,331.87	2,331.87	-2,331.87	0.00

Revenue Status Report

CITY OF HERMOSA BEACH  
 7/1/2018 through 11/30/2018

201 2015 Lease Revenue Bonds

<u>Account Number</u>	<u>Adjusted Estimate</u>	<u>Revenues</u>	<u>Year-to-date Revenues</u>	<u>Balance</u>	<u>Prct Rcvd</u>
3900 Other Revenue					
3922 Other Financing Sources- Debt Issuance	0.00	0.00	0.00	0.00	0.00
3955 Operating Transfers In	632,432.00	632,431.79	632,431.79	0.21	100.00
<b>Total 2015 Lease Revenue Bonds</b>	632,432.00	632,431.79	632,431.79	0.21	100.00

Revenue Status Report

CITY OF HERMOSA BEACH  
 7/1/2018 through 11/30/2018

301 Capital Improvement Fund

<u>Account Number</u>	<u>Adjusted Estimate</u>	<u>Revenues</u>	<u>Year-to-date Revenues</u>	<u>Balance</u>	<u>Prct Rcvd</u>
3400 Use Of Money & Property					
3401 Interest Income	156,066.00	70,521.23	70,521.23	85,544.77	45.19
3414 Fund Exchange	0.00	0.00	0.00	0.00	0.00
3450 Investment Discount	664.00	258.79	258.79	405.21	38.97
3475 Investment Premium	0.00	0.00	0.00	0.00	0.00
<b>Total Use Of Money &amp; Property</b>	156,730.00	70,780.02	70,780.02	85,949.98	45.16
3900 Other Revenue					
3902 Refunds/Reimb Previous Years	0.00	0.00	0.00	0.00	0.00
3913 In-Lieu Fee/Street Pavement	0.00	0.00	0.00	0.00	0.00
3955 Operating Transfers In	0.00	0.00	0.00	0.00	0.00
3962 SCE Reimbursement	0.00	0.00	0.00	0.00	0.00
<b>Total Other Revenue</b>	0.00	0.00	0.00	0.00	0.00
<b>Total Capital Improvement Fund</b>	156,730.00	70,780.02	70,780.02	85,949.98	45.16

Revenue Status Report

CITY OF HERMOSA BEACH  
 7/1/2018 through 11/30/2018

302 Artesia Blvd Relinquishment

<u>Account Number</u>	<u>Adjusted Estimate</u>	<u>Revenues</u>	<u>Year-to-date Revenues</u>	<u>Balance</u>	<u>Prct Rcvd</u>
3400 Use Of Money & Property					
3401 Interest Income	0.00	0.00	0.00	0.00	0.00
3450 Investment Discount	0.00	0.00	0.00	0.00	0.00
3475 Investment Premium	0.00	0.00	0.00	0.00	0.00
<b>Total Artesia Blvd Relinquishment</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>



**Revenue Status Report**

CITY OF HERMOSA BEACH  
 7/1/2018 through 11/30/2018

**609 Bayview Dr Redemption Fund 2004-2**

<u>Account Number</u>	<u>Adjusted Estimate</u>	<u>Revenues</u>	<u>Year-to-date Revenues</u>	<u>Balance</u>	<u>Prct Rcvd</u>
3400 Use Of Money & Property					
3401 Interest Income	2,734.00	917.44	917.44	1,816.56	33.56
<b>Total Bayview Dr Redemption Fund 2004-2</b>	<b>2,734.00</b>	<b>917.44</b>	<b>917.44</b>	<b>1,816.56</b>	<b>33.56</b>

Revenue Status Report

CITY OF HERMOSA BEACH  
 7/1/2018 through 11/30/2018

610 Lwr Pier Dist Redemption Fund

<u>Account Number</u>	<u>Adjusted Estimate</u>	<u>Revenues</u>	<u>Year-to-date Revenues</u>	<u>Balance</u>	<u>Prct Rcvd</u>
3400 Use Of Money & Property					
3401 Interest Income	407.00	28.62	28.62	378.38	7.03
<b>Total Lwr Pier Dist Redemption Fund</b>	<b>407.00</b>	<b>28.62</b>	<b>28.62</b>	<b>378.38</b>	<b>7.03</b>

Revenue Status Report

CITY OF HERMOSA BEACH  
 7/1/2018 through 11/30/2018

611 Beach Dr Assessment Dist Redemption Fund

<u>Account Number</u>	<u>Adjusted Estimate</u>	<u>Revenues</u>	<u>Year-to-date Revenues</u>	<u>Balance</u>	<u>Prct Rcvd</u>
3400 Use Of Money & Property					
3401 Interest Income	1,440.00	460.72	460.72	979.28	31.99
<b>Total Beach Dr Assessment Dist Redemption Fund</b>	<b>1,440.00</b>	<b>460.72</b>	<b>460.72</b>	<b>979.28</b>	<b>31.99</b>

Revenue Status Report

CITY OF HERMOSA BEACH  
 7/1/2018 through 11/30/2018

612 Beach Dr Assessment Dist Reserve Fund

<u>Account Number</u>	<u>Adjusted Estimate</u>	<u>Revenues</u>	<u>Year-to-date Revenues</u>	<u>Balance</u>	<u>Prct Rcvd</u>
3400 Use Of Money & Property					
3401 Interest Income	100.00	42.03	42.03	57.97	42.03
<b>Total Beach Dr Assessment Dist Reserve Fund</b>	100.00	42.03	42.03	57.97	42.03

**Revenue Status Report**

CITY OF HERMOSA BEACH  
 7/1/2018 through 11/30/2018

**617 Myrtle Ave Assessment Fund**

<u>Account Number</u>	<u>Adjusted Estimate</u>	<u>Revenues</u>	<u>Year-to-date Revenues</u>	<u>Balance</u>	<u>Prct Rcvd</u>
3400 Use Of Money & Property					
3401 Interest Income	2,285.00	503.43	503.43	1,781.57	22.03
<b>Total Myrtle Ave Assessment Fund</b>	<b>2,285.00</b>	<b>503.43</b>	<b>503.43</b>	<b>1,781.57</b>	<b>22.03</b>

Revenue Status Report

CITY OF HERMOSA BEACH  
 7/1/2018 through 11/30/2018

618 Loma Drive Assessment Fund

<u>Account Number</u>	<u>Adjusted Estimate</u>	<u>Revenues</u>	<u>Year-to-date Revenues</u>	<u>Balance</u>	<u>Prct Rcvd</u>
3400 Use Of Money & Property					
3401 Interest Income	2,788.00	869.71	869.71	1,918.29	31.19
<b>Total Loma Drive Assessment Fund</b>	<b>2,788.00</b>	<b>869.71</b>	<b>869.71</b>	<b>1,918.29</b>	<b>31.19</b>

**Revenue Status Report**

CITY OF HERMOSA BEACH  
 7/1/2018 through 11/30/2018

619 Bayview Dr Reserve Fund 2004-2

<u>Account Number</u>	<u>Adjusted Estimate</u>	<u>Revenues</u>	<u>Year-to-date Revenues</u>	<u>Balance</u>	<u>Prct Rcvd</u>
3400 Use Of Money & Property					
3401 Interest Income	327.00	137.99	137.99	189.01	42.20
<b>Total Bayview Dr Reserve Fund 2004-2</b>	<b>327.00</b>	<b>137.99</b>	<b>137.99</b>	<b>189.01</b>	<b>42.20</b>

Revenue Status Report

CITY OF HERMOSA BEACH  
 7/1/2018 through 11/30/2018

705 Insurance Fund

<u>Account Number</u>	<u>Adjusted Estimate</u>	<u>Revenues</u>	<u>Year-to-date Revenues</u>	<u>Balance</u>	<u>Prct Rcvd</u>
3800 Current Service Charges					
3880 Insurance Service Charges	2,610,232.00	1,087,605.00	1,087,605.00	1,522,627.00	41.67
<b>Total Current Service Charges</b>	2,610,232.00	1,087,605.00	1,087,605.00	1,522,627.00	41.67
3900 Other Revenue					
3902 Refunds/Reimb Previous Years	0.00	0.00	0.00	0.00	0.00
3904 General Miscellaneous	0.00	0.00	0.00	0.00	0.00
3955 Operating Transfers In	0.00	0.00	0.00	0.00	0.00
<b>Total Other Revenue</b>	0.00	0.00	0.00	0.00	0.00
<b>Total Insurance Fund</b>	2,610,232.00	1,087,605.00	1,087,605.00	1,522,627.00	41.67



Revenue Status Report

CITY OF HERMOSA BEACH  
 7/1/2018 through 11/30/2018

715 Equipment Replacement Fund

<u>Account Number</u>	<u>Adjusted Estimate</u>	<u>Revenues</u>	<u>Year-to-date Revenues</u>	<u>Balance</u>	<u>Prct Rcvd</u>
3800 Current Service Charges					
3822 Building Maintenance Service Charges	101,555.00	42,310.00	42,310.00	59,245.00	41.66
3885 Comm Equip/Business Mach Charges	698,486.00	291,035.00	291,035.00	407,451.00	41.67
3889 Vehicle/Equip Replacement Charges	818,135.00	340,889.60	340,889.60	477,245.40	41.67
<b>Total Current Service Charges</b>	1,618,176.00	674,234.60	674,234.60	943,941.40	41.67
3900 Other Revenue					
3901 Sale of Real/Personal Property	0.00	5,294.00	5,294.00	-5,294.00	0.00
3902 Refunds/Reimb Previous Years	0.00	0.00	0.00	0.00	0.00
3903 Contributions Non Govt	0.00	0.00	0.00	0.00	0.00
3904 General Miscellaneous	0.00	14,034.09	14,034.09	-14,034.09	0.00
3911 Gain on Sale of Fixed Assets	0.00	0.00	0.00	0.00	0.00
3955 Operating Transfers In	0.00	0.00	0.00	0.00	0.00
3962 SCE Reimbursement	100,000.00	0.00	0.00	100,000.00	0.00
<b>Total Other Revenue</b>	100,000.00	19,328.09	19,328.09	80,671.91	19.33
6800 Current Service Charges Continued					
6866 Records Technology Fee	122,581.00	50,988.51	50,988.51	71,592.49	41.60
<b>Total Current Service Charges Continued</b>	122,581.00	50,988.51	50,988.51	71,592.49	41.60
<b>Total Equipment Replacement Fund</b>	1,840,757.00	744,551.20	744,551.20	1,096,205.80	40.45

Revenue Status Report

CITY OF HERMOSA BEACH  
 7/1/2018 through 11/30/2018

900 Investment Fund

<u>Account Number</u>	<u>Adjusted Estimate</u>	<u>Revenues</u>	<u>Year-to-date Revenues</u>	<u>Balance</u>	<u>Prct Rcvd</u>
3400 Use Of Money & Property					
3401 Interest Income	0.00	0.00	0.00	0.00	0.00
<b>Total Investment Fund</b>	0.00	0.00	0.00	0.00	0.00
<b>Grand Total</b>	55,010,335.00	13,725,901.34	13,725,901.34	41,284,433.66	24.95

**Expenditure Status Report**

CITY OF HERMOSA BEACH  
 7/1/2018 through 11/30/2018

001 General Fund  
 1101 City Council

<u>Account Number</u>	<u>Adjusted Appropriation</u>	<u>Expenditures</u>	<u>Year-to-date Expenditures</u>	<u>Year-to-date Encumbrances</u>	<u>Balance</u>	<u>Prct Used</u>
1101-4100 Personal Services						
1101-4102 Regular Salaries	45,150.00	18,812.54	18,812.54	0.00	26,337.46	41.67
1101-4106 Regular Overtime	50.00	504.68	504.68	0.00	-454.68	1,009.36
1101-4111 Accrual Cash In	2,045.00	2,562.06	2,562.06	0.00	-517.06	125.28
1101-4112 Part Time/Temporary	31,800.00	13,250.00	13,250.00	0.00	18,550.00	41.67
1101-4180 Retirement	21,451.00	3,920.03	3,920.03	0.00	17,530.97	18.27
1101-4185 Alternative Retirement System-Parttime	65.00	45.24	45.24	0.00	19.76	69.60
1101-4188 Employee Benefits	75,328.00	42,587.21	42,587.21	0.00	32,740.79	56.54
1101-4189 Medicare Benefits	1,116.00	509.26	509.26	0.00	606.74	45.63
1101-4190 Other Post Employment Benefits (OPEB)	1,625.00	677.10	677.10	0.00	947.90	41.67
<b>Total Personal Services</b>	<b>178,630.00</b>	<b>82,868.12</b>	<b>82,868.12</b>	<b>0.00</b>	<b>95,761.88</b>	<b>46.39</b>
1101-4200 Contract Services						
1101-4201 Contract Serv/Private	47,000.00	32,389.48	32,389.48	0.00	14,610.52	68.91
1101-4251 Contract Services/Gov't	0.00	0.00	0.00	0.00	0.00	0.00
<b>Total Contract Services</b>	<b>47,000.00</b>	<b>32,389.48</b>	<b>32,389.48</b>	<b>0.00</b>	<b>14,610.52</b>	<b>68.91</b>
1101-4300 Materials/Supplies/Other						
1101-4304 Telephone	6,000.00	76.42	76.42	0.00	5,923.58	1.27
1101-4305 Office Oper Supplies	15,000.00	5,018.51	5,018.51	0.00	9,981.49	33.46
1101-4315 Membership	28,403.00	21,391.33	21,391.33	0.00	7,011.67	75.31
1101-4317 Conference/Training	25,000.00	2,103.45	2,103.45	0.00	22,896.55	8.41
1101-4319 Special Events	50,520.00	42,737.83	42,737.83	0.00	7,782.17	84.60
1101-4394 Building Maintenance Charges	3,620.00	1,510.00	1,510.00	0.00	2,110.00	41.71
1101-4396 Insurance User Charges	4,834.00	2,015.00	2,015.00	0.00	2,819.00	41.68
<b>Total Materials/Supplies/Other</b>	<b>133,377.00</b>	<b>74,852.54</b>	<b>74,852.54</b>	<b>0.00</b>	<b>58,524.46</b>	<b>56.12</b>
1101-4900 Depreciation						
1101-4901 Depreciation/Mach/Equipment	0.00	0.00	0.00	0.00	0.00	0.00
<b>Total Depreciation</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>

**Expenditure Status Report**

CITY OF HERMOSA BEACH  
 7/1/2018 through 11/30/2018

001 General Fund

1101 City Council

<u>Account Number</u>	<u>Adjusted Appropriation</u>	<u>Expenditures</u>	<u>Year-to-date Expenditures</u>	<u>Year-to-date Encumbrances</u>	<u>Balance</u>	<u>Prct Used</u>
1101-5600 Buildings/Improvements						
1101-5601 Buildings	0.00	0.00	0.00	0.00	0.00	0.00
1101-5602 Imprvmnts Other Than Bldgs	0.00	0.00	0.00	0.00	0.00	0.00
<b>Total Buildings/Improvements</b>	0.00	0.00	0.00	0.00	0.00	0.00
<b>Total City Council</b>	359,007.00	190,110.14	190,110.14	0.00	168,896.86	52.95

**Expenditure Status Report**

CITY OF HERMOSA BEACH  
 7/1/2018 through 11/30/2018

001 General Fund

1121 City Clerk

<u>Account Number</u>	<u>Adjusted Appropriation</u>	<u>Expenditures</u>	<u>Year-to-date Expenditures</u>	<u>Year-to-date Encumbrances</u>	<u>Balance</u>	<u>Prct Used</u>
1121-4100 Personal Services						
1121-4102 Regular Salaries	122,456.00	52,671.23	52,671.23	0.00	69,784.77	43.01
1121-4106 Regular Overtime	0.00	0.00	0.00	0.00	0.00	0.00
1121-4111 Accrual Cash In	6,449.00	0.00	0.00	0.00	6,449.00	0.00
1121-4112 Part Time/Temporary	76,080.00	32,340.00	32,340.00	0.00	43,740.00	42.51
1121-4180 Retirement	27,871.00	6,965.79	6,965.79	0.00	20,905.21	24.99
1121-4188 Employee Benefits	30,467.00	14,125.10	14,125.10	0.00	16,341.90	46.36
1121-4189 Medicare Benefits	2,881.00	1,233.38	1,233.38	0.00	1,647.62	42.81
1121-4190 Other Post Employment Benefits (OPEB)	7,206.00	3,002.50	3,002.50	0.00	4,203.50	41.67
<b>Total Personal Services</b>	<b>273,410.00</b>	<b>110,338.00</b>	<b>110,338.00</b>	<b>0.00</b>	<b>163,072.00</b>	<b>40.36</b>
1121-4200 Contract Services						
1121-4201 Contract Serv/Private	35,750.00	1,614.00	1,614.00	0.00	34,136.00	4.51
1121-4251 Contract Services/Govt	0.00	0.00	0.00	0.00	0.00	0.00
<b>Total Contract Services</b>	<b>35,750.00</b>	<b>1,614.00</b>	<b>1,614.00</b>	<b>0.00</b>	<b>34,136.00</b>	<b>4.51</b>
1121-4300 Materials/Supplies/Other						
1121-4304 Telephone	900.00	181.10	181.10	0.00	718.90	20.12
1121-4305 Office Oper Supplies	4,300.00	764.10	764.10	0.00	3,535.90	17.77
1121-4315 Membership	750.00	367.00	367.00	0.00	383.00	48.93
1121-4317 Conference/Training	7,200.00	0.00	0.00	0.00	7,200.00	0.00
1121-4323 Public Noticing	20,000.00	3,127.03	3,127.03	0.00	16,872.97	15.64
1121-4390 Communications Equipment Chrgs	7,257.00	3,025.00	3,025.00	0.00	4,232.00	41.68
1121-4394 Building Maintenance Charges	612.00	255.00	255.00	0.00	357.00	41.67
1121-4396 Insurance User Charges	12,543.00	5,225.00	5,225.00	0.00	7,318.00	41.66
<b>Total Materials/Supplies/Other</b>	<b>53,562.00</b>	<b>12,944.23</b>	<b>12,944.23</b>	<b>0.00</b>	<b>40,617.77</b>	<b>24.17</b>
1121-4900 Depreciation						
1121-4901 Depreciation/Mach/Equipment	0.00	0.00	0.00	0.00	0.00	0.00
<b>Total Depreciation</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>

**Expenditure Status Report**

CITY OF HERMOSA BEACH  
 7/1/2018 through 11/30/2018

001 General Fund

1121 City Clerk

<u>Account Number</u>	<u>Adjusted Appropriation</u>	<u>Expenditures</u>	<u>Year-to-date Expenditures</u>	<u>Year-to-date Encumbrances</u>	<u>Balance</u>	<u>Prct Used</u>
1121-5400 Equipment/Furniture						
1121-5401 Equip-Less Than \$1,000	0.00	0.00	0.00	0.00	0.00	0.00
1121-5402 Equip-More Than \$1,000	0.00	0.00	0.00	0.00	0.00	0.00
<b>Total Equipment/Furniture</b>	0.00	0.00	0.00	0.00	0.00	0.00
<b>Total City Clerk</b>	362,722.00	124,896.23	124,896.23	0.00	237,825.77	34.43

**Expenditure Status Report**

CITY OF HERMOSA BEACH  
 7/1/2018 through 11/30/2018

001 General Fund

1131 City Attorney

<u>Account Number</u>	<u>Adjusted Appropriation</u>	<u>Expenditures</u>	<u>Year-to-date Expenditures</u>	<u>Year-to-date Encumbrances</u>	<u>Balance</u>	<u>Prct Used</u>
1131-4200 Contract Services						
1131-4201 Contract Serv/Private	300,000.00	151,579.60	151,579.60	0.00	148,420.40	50.53
<b>Total City Attorney</b>	<b>300,000.00</b>	<b>151,579.60</b>	<b>151,579.60</b>	<b>0.00</b>	<b>148,420.40</b>	<b>50.53</b>

**Expenditure Status Report**

CITY OF HERMOSA BEACH  
 7/1/2018 through 11/30/2018

001 General Fund

1132 City Prosecutor

<u>Account Number</u>	<u>Adjusted Appropriation</u>	<u>Expenditures</u>	<u>Year-to-date Expenditures</u>	<u>Year-to-date Encumbrances</u>	<u>Balance</u>	<u>Prct Used</u>
1132-4200 Contract Services						
1132-4201 Contract Serv/Private	227,380.00	75,074.10	75,074.10	0.00	152,305.90	33.02
<b>Total Contract Services</b>	227,380.00	75,074.10	75,074.10	0.00	152,305.90	33.02
1132-4300 Materials/Supplies/Other						
1132-4304 Telephone	252.00	38.71	38.71	0.00	213.29	15.36
1132-4305 Office Oper Supplies	100.00	0.00	0.00	0.00	100.00	0.00
1132-4315 Membership	0.00	0.00	0.00	0.00	0.00	0.00
1132-4317 Conference/Training	0.00	0.00	0.00	0.00	0.00	0.00
<b>Total Materials/Supplies/Other</b>	352.00	38.71	38.71	0.00	313.29	11.00
<b>Total City Prosecutor</b>	227,732.00	75,112.81	75,112.81	0.00	152,619.19	32.98



Expenditure Status Report

CITY OF HERMOSA BEACH  
 7/1/2018 through 11/30/2018

001 General Fund

1141 City Treasurer

<u>Account Number</u>	<u>Adjusted Appropriation</u>	<u>Expenditures</u>	<u>Year-to-date Expenditures</u>	<u>Year-to-date Encumbrances</u>	<u>Balance</u>	<u>Prct Used</u>
1141-4100 Personal Services						
1141-4102 Regular Salaries	0.00	0.00	0.00	0.00	0.00	0.00
1141-4106 Regular Overtime	0.00	0.00	0.00	0.00	0.00	0.00
1141-4111 Accrual Cash In	0.00	0.00	0.00	0.00	0.00	0.00
1141-4112 Part Time/Temporary	6,360.00	2,650.00	2,650.00	0.00	3,710.00	41.67
1141-4180 Retirement	415.00	181.55	181.55	0.00	233.45	43.75
1141-4188 Employee Benefits	12,802.00	5,048.90	5,048.90	0.00	7,753.10	39.44
1141-4189 Medicare Benefits	92.00	38.40	38.40	0.00	53.60	41.74
1141-4190 Other Post Employment Benefits (OPEB)	0.00	0.00	0.00	0.00	0.00	0.00
<b>Total Personal Services</b>	<b>19,669.00</b>	<b>7,918.85</b>	<b>7,918.85</b>	<b>0.00</b>	<b>11,750.15</b>	<b>40.26</b>
1141-4200 Contract Services						
1141-4201 Contract Serv/Private	14,000.00	-1,877.91	-1,877.91	0.00	15,877.91	13.41
<b>Total Contract Services</b>	<b>14,000.00</b>	<b>-1,877.91</b>	<b>-1,877.91</b>	<b>0.00</b>	<b>15,877.91</b>	<b>0.00</b>
1141-4300 Materials/Supplies/Other						
1141-4304 Telephone	500.00	128.92	128.92	0.00	371.08	25.78
1141-4305 Office Oper Supplies	1,300.00	488.24	488.24	0.00	811.76	37.56
1141-4315 Membership	105.00	65.00	65.00	0.00	40.00	61.90
1141-4317 Conference/Training	2,405.00	0.00	0.00	0.00	2,405.00	0.00
1141-4390 Communications Equipment Chrgs	3,762.00	1,565.00	1,565.00	0.00	2,197.00	41.60
1141-4394 Building Maintenance Charges	609.00	255.00	255.00	0.00	354.00	41.87
1141-4396 Insurance User Charges	450.00	190.00	190.00	0.00	260.00	42.22
<b>Total Materials/Supplies/Other</b>	<b>9,131.00</b>	<b>2,692.16</b>	<b>2,692.16</b>	<b>0.00</b>	<b>6,438.84</b>	<b>29.48</b>
1141-4900 Depreciation						
1141-4901 Depreciation/Mach/Equipment	0.00	0.00	0.00	0.00	0.00	0.00
<b>Total Depreciation</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>
1141-5400 Equipment/Furniture						

**Expenditure Status Report**

CITY OF HERMOSA BEACH  
 7/1/2018 through 11/30/2018

001 General Fund

1141 City Treasurer

<u>Account Number</u>	<u>Adjusted Appropriation</u>	<u>Expenditures</u>	<u>Year-to-date Expenditures</u>	<u>Year-to-date Encumbrances</u>	<u>Balance</u>	<u>Prct Used</u>
1141-5401 Equip-Less Than \$1,000	0.00	0.00	0.00	0.00	0.00	0.00
<b>Total Equipment/Furniture</b>	0.00	0.00	0.00	0.00	0.00	0.00
<b>Total City Treasurer</b>	42,800.00	8,733.10	8,733.10	0.00	34,066.90	20.40

**Expenditure Status Report**

CITY OF HERMOSA BEACH  
 7/1/2018 through 11/30/2018

001 General Fund

1201 City Manager

<u>Account Number</u>	<u>Adjusted Appropriation</u>	<u>Expenditures</u>	<u>Year-to-date Expenditures</u>	<u>Year-to-date Encumbrances</u>	<u>Balance</u>	<u>Prct Used</u>
1201-4100 Personal Services						
1201-4102 Regular Salaries	779,672.00	309,856.22	309,856.22	0.00	469,815.78	39.74
1201-4106 Regular Overtime	100.00	504.68	504.68	0.00	-404.68	504.68
1201-4111 Accrual Cash In	32,394.00	12,748.73	12,748.73	0.00	19,645.27	39.36
1201-4112 Part Time/Temporary	12,480.00	0.00	0.00	0.00	12,480.00	0.00
1201-4180 Retirement	69,973.00	20,818.68	20,818.68	0.00	49,154.32	29.75
1201-4185 Alternative Retirement System-Parttime	0.00	0.00	0.00	0.00	0.00	0.00
1201-4188 Employee Benefits	107,267.00	39,544.71	39,544.71	0.00	67,722.29	36.87
1201-4189 Medicare Benefits	11,858.00	4,823.58	4,823.58	0.00	7,034.42	40.68
1201-4190 Other Post Employment Benefits (OPEB)	26,302.00	10,959.15	10,959.15	0.00	15,342.85	41.67
<b>Total Personal Services</b>	<b>1,040,046.00</b>	<b>399,255.75</b>	<b>399,255.75</b>	<b>0.00</b>	<b>640,790.25</b>	<b>38.39</b>
1201-4200 Contract Services						
1201-4201 Contract Serv/Private	525,750.00	149,879.69	149,879.69	0.00	375,870.31	28.51
1201-4251 Contract Services/Gov't	9,240.00	0.00	0.00	0.00	9,240.00	0.00
<b>Total Contract Services</b>	<b>534,990.00</b>	<b>149,879.69</b>	<b>149,879.69</b>	<b>0.00</b>	<b>385,110.31</b>	<b>28.02</b>
1201-4300 Materials/Supplies/Other						
1201-4304 Telephone	7,600.00	2,261.88	2,261.88	0.00	5,338.12	29.76
1201-4305 Office Oper Supplies	10,500.00	2,744.11	2,744.11	0.00	7,755.89	26.13
1201-4315 Membership	6,492.00	3,512.00	3,512.00	0.00	2,980.00	54.10
1201-4317 Conference/Training	27,537.00	8,188.92	8,188.92	0.00	19,348.08	29.74
1201-4390 Communications Equipment Chrgs	9,852.00	4,105.00	4,105.00	0.00	5,747.00	41.67
1201-4394 Building Maintenance Charges	3,406.00	1,420.00	1,420.00	0.00	1,986.00	41.69
1201-4395 Equip Replacement Chrgs	37,650.00	15,687.50	15,687.50	0.00	21,962.50	41.67
1201-4396 Insurance User Charges	53,687.00	22,370.00	22,370.00	0.00	31,317.00	41.67
<b>Total Materials/Supplies/Other</b>	<b>156,724.00</b>	<b>60,289.41</b>	<b>60,289.41</b>	<b>0.00</b>	<b>96,434.59</b>	<b>38.47</b>
1201-4900 Depreciation						
1201-4901 Depreciation/Mach/Equipment	0.00	0.00	0.00	0.00	0.00	0.00
<b>Total Depreciation</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>

**Expenditure Status Report**

CITY OF HERMOSA BEACH  
 7/1/2018 through 11/30/2018

001 General Fund

1201 City Manager

<u>Account Number</u>	<u>Adjusted Appropriation</u>	<u>Expenditures</u>	<u>Year-to-date Expenditures</u>	<u>Year-to-date Encumbrances</u>	<u>Balance</u>	<u>Prct Used</u>
1201-5400 Equipment/Furniture						
1201-5401 Equip-Less Than \$1,000	12,396.00	12,095.56	12,095.56	0.00	300.44	97.58
1201-5402 Equip-More Than \$1,000	13,500.00	0.00	0.00	0.00	13,500.00	0.00
1201-5405 Equipment more than \$5,000	0.00	0.00	0.00	0.00	0.00	0.00
<b>Total Equipment/Furniture</b>	25,896.00	12,095.56	12,095.56	0.00	13,800.44	46.71
<b>Total City Manager</b>	1,757,656.00	621,520.41	621,520.41	0.00	1,136,135.59	35.36

Expenditure Status Report

CITY OF HERMOSA BEACH  
 7/1/2018 through 11/30/2018

001 General Fund

1202 Finance Administration

<u>Account Number</u>	<u>Adjusted Appropriation</u>	<u>Expenditures</u>	<u>Year-to-date Expenditures</u>	<u>Year-to-date Encumbrances</u>	<u>Balance</u>	<u>Prct Used</u>
1202-4100 Personal Services						
1202-4102 Regular Salaries	548,406.00	235,368.47	235,368.47	0.00	313,037.53	42.92
1202-4106 Regular Overtime	486.00	844.18	844.18	0.00	-358.18	173.70
1202-4111 Accrual Cash In	46,939.00	30,440.04	30,440.04	0.00	16,498.96	64.85
1202-4112 Part Time/Temporary	28,848.00	0.00	0.00	0.00	28,848.00	0.00
1202-4180 Retirement	141,659.00	25,816.29	25,816.29	0.00	115,842.71	18.22
1202-4185 Alternative Retirement System-Parttime	0.00	0.00	0.00	0.00	0.00	0.00
1202-4188 Employee Benefits	76,765.00	31,123.92	31,123.92	0.00	45,641.08	40.54
1202-4189 Medicare Benefits	6,325.00	2,794.66	2,794.66	0.00	3,530.34	44.18
1202-4190 Other Post Employment Benefits (OPEB)	26,398.00	10,999.15	10,999.15	0.00	15,398.85	41.67
<b>Total Personal Services</b>	<b>875,826.00</b>	<b>337,386.71</b>	<b>337,386.71</b>	<b>0.00</b>	<b>538,439.29</b>	<b>38.52</b>
1202-4200 Contract Services						
1202-4201 Contract Serv/Private	134,027.00	32,184.90	32,184.90	0.00	101,842.10	24.01
<b>Total Contract Services</b>	<b>134,027.00</b>	<b>32,184.90</b>	<b>32,184.90</b>	<b>0.00</b>	<b>101,842.10</b>	<b>24.01</b>
1202-4300 Materials/Supplies/Other						
1202-4304 Telephone	1,400.00	252.45	252.45	0.00	1,147.55	18.03
1202-4305 Office Oper Supplies	7,020.00	1,959.77	1,959.77	0.00	5,060.23	27.92
1202-4315 Membership	610.00	470.00	470.00	0.00	140.00	77.05
1202-4317 Conference/Training	7,165.00	590.00	590.00	0.00	6,575.00	8.23
1202-4390 Communications Equipment Chrgs	20,986.00	8,745.00	8,745.00	0.00	12,241.00	41.67
1202-4394 Building Maintenance Charges	2,113.00	880.00	880.00	0.00	1,233.00	41.65
1202-4396 Insurance User Charges	33,049.00	13,770.00	13,770.00	0.00	19,279.00	41.67
<b>Total Materials/Supplies/Other</b>	<b>72,343.00</b>	<b>26,667.22</b>	<b>26,667.22</b>	<b>0.00</b>	<b>45,675.78</b>	<b>36.86</b>
1202-4900 Depreciation						
1202-4901 Depreciation/Mach/Equipment	0.00	0.00	0.00	0.00	0.00	0.00
1202-4902 Depreciation/Vehicles	0.00	0.00	0.00	0.00	0.00	0.00
<b>Total Depreciation</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>

**Expenditure Status Report**

CITY OF HERMOSA BEACH  
 7/1/2018 through 11/30/2018

001 General Fund

1202 Finance Administration

<u>Account Number</u>	<u>Adjusted Appropriation</u>	<u>Expenditures</u>	<u>Year-to-date Expenditures</u>	<u>Year-to-date Encumbrances</u>	<u>Balance</u>	<u>Prct Used</u>
1202-5400 Equipment/Furniture						
1202-5401 Equip-Less Than \$1,000	0.00	0.00	0.00	0.00	0.00	0.00
<b>Total</b> Equipment/Furniture	0.00	0.00	0.00	0.00	0.00	0.00
<b>Total</b> Finance Administration	1,082,196.00	396,238.83	396,238.83	0.00	685,957.17	36.61

**Expenditure Status Report**

CITY OF HERMOSA BEACH  
 7/1/2018 through 11/30/2018

**001 General Fund**

**1203 Human Resources**

<u>Account Number</u>	<u>Adjusted Appropriation</u>	<u>Expenditures</u>	<u>Year-to-date Expenditures</u>	<u>Year-to-date Encumbrances</u>	<u>Balance</u>	<u>Prct Used</u>
1203-4100 Personal Services						
1203-4102 Regular Salaries	160,356.00	62,505.04	62,505.04	0.00	97,850.96	38.98
1203-4106 Regular Overtime	0.00	0.00	0.00	0.00	0.00	0.00
1203-4111 Accrual Cash In	5,171.00	455.85	455.85	0.00	4,715.15	8.82
1203-4180 Retirement	28,143.00	6,178.58	6,178.58	0.00	21,964.42	21.95
1203-4188 Employee Benefits	124,305.00	54,072.57	54,072.57	0.00	70,232.43	43.50
1203-4189 Medicare Benefits	2,534.00	999.87	999.87	0.00	1,534.13	39.46
1203-4190 Other Post Employment Benefits (OPEB)	7,052.00	2,938.35	2,938.35	0.00	4,113.65	41.67
1203-4191 Instant Bonuses	2,000.00	811.76	811.76	0.00	1,188.24	40.59
<b>Total Personal Services</b>	<b>329,561.00</b>	<b>127,962.02</b>	<b>127,962.02</b>	<b>0.00</b>	<b>201,598.98</b>	<b>38.83</b>
1203-4200 Contract Services						
1203-4201 Contract Serv/Private	226,793.00	59,817.39	59,817.39	0.00	166,975.61	26.38
1203-4251 Contract Service/Govt	11,000.00	896.00	896.00	0.00	10,104.00	8.15
<b>Total Contract Services</b>	<b>237,793.00</b>	<b>60,713.39</b>	<b>60,713.39</b>	<b>0.00</b>	<b>177,079.61</b>	<b>25.53</b>
1203-4300 Materials/Supplies/Other						
1203-4300 Employee recognition instant bonus	0.00	0.00	0.00	0.00	0.00	0.00
1203-4304 Telephone	1,900.00	464.11	464.11	0.00	1,435.89	24.43
1203-4305 Office Oper Supplies	4,000.00	1,069.70	1,069.70	0.00	2,930.30	26.74
1203-4315 Membership	1,450.00	149.00	149.00	0.00	1,301.00	10.28
1203-4317 Conference/Training	13,500.00	3,837.00	3,837.00	0.00	9,663.00	28.42
1203-4320 Medical Exams	12,000.00	5,941.00	5,941.00	0.00	6,059.00	49.51
1203-4390 Communications Equipment Chrgs	6,752.00	2,815.00	2,815.00	0.00	3,937.00	41.69
1203-4394 Building Maintenance Charges	612.00	255.00	255.00	0.00	357.00	41.67
1203-4396 Insurance User Charges	14,413.00	6,005.00	6,005.00	0.00	8,408.00	41.66
<b>Total Materials/Supplies/Other</b>	<b>54,627.00</b>	<b>20,535.81</b>	<b>20,535.81</b>	<b>0.00</b>	<b>34,091.19</b>	<b>37.59</b>
1203-4900 Depreciation						
1203-4901 Depreciation/Mach/Equipment	0.00	0.00	0.00	0.00	0.00	0.00
<b>Total Depreciation</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>

**Expenditure Status Report**

CITY OF HERMOSA BEACH  
 7/1/2018 through 11/30/2018

001 General Fund

1203 Human Resources

<u>Account Number</u>	<u>Adjusted Appropriation</u>	<u>Expenditures</u>	<u>Year-to-date Expenditures</u>	<u>Year-to-date Encumbrances</u>	<u>Balance</u>	<u>Prct Used</u>
1203-5400 Equipment/Furniture						
1203-5401 Equip-Less Than \$1,000	0.00	0.00	0.00	0.00	0.00	0.00
<b>Total</b> Equipment/Furniture	0.00	0.00	0.00	0.00	0.00	0.00
<b>Total</b> Human Resources	621,981.00	209,211.22	209,211.22	0.00	412,769.78	33.64



Expenditure Status Report

CITY OF HERMOSA BEACH  
 7/1/2018 through 11/30/2018

001 General Fund

1204 Finance Cashier

<u>Account Number</u>	<u>Adjusted Appropriation</u>	<u>Expenditures</u>	<u>Year-to-date Expenditures</u>	<u>Year-to-date Encumbrances</u>	<u>Balance</u>	<u>Prct Used</u>
1204-4100 Personal Services						
1204-4102 Regular Salaries	359,088.00	127,680.29	127,680.29	0.00	231,407.71	35.56
1204-4106 Regular Overtime	1,500.00	0.00	0.00	0.00	1,500.00	0.00
1204-4111 Accrual Cash In	6,006.00	5,417.09	5,417.09	0.00	588.91	90.19
1204-4112 Part Time Temporary	40,438.00	19,642.83	19,642.83	0.00	20,795.17	48.58
1204-4180 Retirement	40,308.00	12,564.77	12,564.77	0.00	27,743.23	31.17
1204-4185 Alternative Retirement System-Parttime	10.00	4.26	4.26	0.00	5.74	42.60
1204-4188 Employee Benefits	93,815.00	35,472.86	35,472.86	0.00	58,342.14	37.81
1204-4189 Medicare Benefits	4,135.00	2,032.88	2,032.88	0.00	2,102.12	49.16
1204-4190 Other Post Employment Benefits (OPEB)	25,688.00	10,703.35	10,703.35	0.00	14,984.65	41.67
<b>Total Personal Services</b>	<b>570,988.00</b>	<b>213,518.33</b>	<b>213,518.33</b>	<b>0.00</b>	<b>357,469.67</b>	<b>37.39</b>
1204-4200 Contract Services						
1204-4201 Contract Serv/Private	165,914.00	46,302.13	46,302.13	0.00	119,611.87	27.91
1204-4251 Contract Services/Gov't	2,000.00	499.00	499.00	0.00	1,501.00	24.95
<b>Total Contract Services</b>	<b>167,914.00</b>	<b>46,801.13</b>	<b>46,801.13</b>	<b>0.00</b>	<b>121,112.87</b>	<b>27.87</b>
1204-4300 Materials/Supplies/Other						
1204-4304 Telephone	2,690.00	739.49	739.49	0.00	1,950.51	27.49
1204-4305 Office Operating Supplies	48,005.00	11,114.25	11,114.25	0.00	36,890.75	23.15
1204-4315 Membership	235.00	235.00	235.00	0.00	0.00	100.00
1204-4317 Conference/Training	4,266.00	2,246.66	2,246.66	0.00	2,019.34	52.66
1204-4390 Communications Equipment Chrgs	24,158.00	10,065.00	10,065.00	0.00	14,093.00	41.66
1204-4394 Building Maintenance Charges	1,828.00	760.00	760.00	0.00	1,068.00	41.58
1204-4396 Insurance User Charges	23,116.00	9,630.00	9,630.00	0.00	13,486.00	41.66
<b>Total Materials/Supplies/Other</b>	<b>104,298.00</b>	<b>34,790.40</b>	<b>34,790.40</b>	<b>0.00</b>	<b>69,507.60</b>	<b>33.36</b>
1204-5400 Equipment/Furniture						
1204-5401 Equip-Less Than \$1,000	0.00	0.00	0.00	0.00	0.00	0.00
<b>Total Equipment/Furniture</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>

Expenditure Status Report

CITY OF HERMOSA BEACH  
 7/1/2018 through 11/30/2018

001 General Fund

Total Finance Cashier 843,200.00 295,109.86 295,109.86 0.00 548,090.14 35.00

1208 General Appropriations

<u>Account Number</u>	<u>Adjusted Appropriation</u>	<u>Expenditures</u>	<u>Year-to-date Expenditures</u>	<u>Year-to-date Encumbrances</u>	<u>Balance</u>	<u>Prct Used</u>
1208-4100 Personal Services						
1208-4102 Regular Salaries	65,616.00	0.00	0.00	0.00	65,616.00	0.00
1208-4106 Regular Overtime	0.00	0.00	0.00	0.00	0.00	0.00
1208-4111 Accrual Cash In	380.00	0.00	0.00	0.00	380.00	0.00
1208-4180 Retirement	4,537.00	17.44	17.44	0.00	4,519.56	0.38
1208-4188 Employee Benefits	18,431.00	0.00	0.00	0.00	18,431.00	0.00
1208-4189 Medicare Benefits	951.00	0.00	0.00	0.00	951.00	0.00
1208-4190 Other Post Employment Benefits (OPEB)	5,774.00	2,405.85	2,405.85	0.00	3,368.15	41.67
<b>Total Personal Services</b>	<b>95,689.00</b>	<b>2,423.29</b>	<b>2,423.29</b>	<b>0.00</b>	<b>93,265.71</b>	<b>2.53</b>
1208-4200 Contract Services						
1208-4201 Contract Serv/Private	0.00	0.00	0.00	0.00	0.00	0.00
<b>Total Contract Services</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>
1208-4300 Materials/Supplies/Other						
1208-4304 Telephone	140.00	14.19	14.19	0.00	125.81	10.14
1208-4305 Office Oper Supplies	-10,000.00	-5,372.61	-5,372.61	0.00	-4,627.39	53.73
1208-4390 Communications Equipment Chrgs	18,396.00	7,665.00	7,665.00	0.00	10,731.00	41.67
1208-4394 Building Maintenance Charges	306.00	125.00	125.00	0.00	181.00	40.85
1208-4396 Insurance User Charges	2,036.00	850.00	850.00	0.00	1,186.00	41.75
<b>Total Materials/Supplies/Other</b>	<b>10,878.00</b>	<b>3,281.58</b>	<b>3,281.58</b>	<b>0.00</b>	<b>7,596.42</b>	<b>30.17</b>
1208-4900 Depreciation						
1208-4901 Depreciation/Mach/Equipment	0.00	0.00	0.00	0.00	0.00	0.00
<b>Total Depreciation</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>
<b>Total General Appropriations</b>	<b>106,567.00</b>	<b>5,704.87</b>	<b>5,704.87</b>	<b>0.00</b>	<b>100,862.13</b>	<b>5.35</b>

**Expenditure Status Report**

CITY OF HERMOSA BEACH  
 7/1/2018 through 11/30/2018

001 General Fund

1214 Prospective Expenditures

<u>Account Number</u>	<u>Adjusted Appropriation</u>	<u>Expenditures</u>	<u>Year-to-date Expenditures</u>	<u>Year-to-date Encumbrances</u>	<u>Balance</u>	<u>Prct Used</u>
1214-4300 Materials/Supplies/Other						
1214-4322 Unclassified	107,801.00	0.00	0.00	0.00	107,801.00	0.00
<b>Total Prospective Expenditures</b>	107,801.00	0.00	0.00	0.00	107,801.00	0.00

**Expenditure Status Report**

CITY OF HERMOSA BEACH  
 7/1/2018 through 11/30/2018

001 General Fund

1220 Legal Settlement- E&B Resources

<u>Account Number</u>	<u>Adjusted Appropriation</u>	<u>Expenditures</u>	<u>Year-to-date Expenditures</u>	<u>Year-to-date Encumbrances</u>	<u>Balance</u>	<u>Prct Used</u>
1220-4200 Contract Services						
1220-4201 Contract Serv/Private	0.00	0.00	0.00	0.00	0.00	0.00
<b>Total Legal Settlement- E&amp;B Resources</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>

**Expenditure Status Report**

CITY OF HERMOSA BEACH  
 7/1/2018 through 11/30/2018

001 General Fund

1299 Interfund Transfers Out

<u>Account Number</u>	<u>Adjusted Appropriation</u>	<u>Expenditures</u>	<u>Year-to-date Expenditures</u>	<u>Year-to-date Encumbrances</u>	<u>Balance</u>	<u>Prct Used</u>
1299-4300 Materials/Supplies/Other						
1299-4399 Operating Transfers Out	1,332,432.00	976,713.79	976,713.79	0.00	355,718.21	73.30
<b>Total Interfund Transfers Out</b>	<b>1,332,432.00</b>	<b>976,713.79</b>	<b>976,713.79</b>	<b>0.00</b>	<b>355,718.21</b>	<b>73.30</b>

**Expenditure Status Report**

CITY OF HERMOSA BEACH  
 7/1/2018 through 11/30/2018

**001 General Fund**

**2101 Police**

<u>Account Number</u>	<u>Adjusted Appropriation</u>	<u>Expenditures</u>	<u>Year-to-date Expenditures</u>	<u>Year-to-date Encumbrances</u>	<u>Balance</u>	<u>Prct Used</u>
2101-4100 Personal Services						
2101-4102 Regular Salaries	5,069,227.00	1,900,213.03	1,900,213.03	0.00	3,169,013.97	37.49
2101-4105 Special Duty Pay	80,793.00	33,924.94	33,924.94	0.00	46,868.06	41.99
2101-4106 Regular Overtime	360,000.00	127,908.18	127,908.18	0.00	232,091.82	35.53
2101-4111 Accrual Cash In	871,159.00	199,244.46	199,244.46	0.00	671,914.54	22.87
2101-4112 Part Time Temporary	18,252.00	2,442.87	2,442.87	0.00	15,809.13	13.38
2101-4117 Shift Differential	6,000.00	2,533.85	2,533.85	0.00	3,466.15	42.23
2101-4118 Training Officer	9,000.00	33.00	33.00	0.00	8,967.00	0.37
2101-4180 Retirement	3,645,645.00	972,346.08	972,346.08	0.00	2,673,298.92	26.67
2101-4184 IRC 415(B) Retirement	17,000.00	0.00	0.00	0.00	17,000.00	0.00
2101-4185 Alternative Retirement System-Parttime	0.00	0.00	0.00	0.00	0.00	0.00
2101-4187 Uniform Allowance	28,922.00	11,904.55	11,904.55	0.00	17,017.45	41.16
2101-4188 Employee Benefits	887,617.00	339,822.10	339,822.10	0.00	547,794.90	38.28
2101-4189 Medicare Benefits	74,527.00	32,628.56	32,628.56	0.00	41,898.44	43.78
2101-4190 Other Post Employment Benefits (OPEB)	446,236.00	185,931.65	185,931.65	0.00	260,304.35	41.67
<b>Total Personal Services</b>	<b>11,514,378.00</b>	<b>3,808,933.27</b>	<b>3,808,933.27</b>	<b>0.00</b>	<b>7,705,444.73</b>	<b>33.08</b>
2101-4200 Contract Services						
2101-4201 Contract Serv/Private	210,900.00	109,184.65	109,184.65	0.00	101,715.35	51.77
2101-4251 Contract Service/Govt	860,807.00	406,900.90	406,900.90	0.00	453,906.10	47.27
<b>Total Contract Services</b>	<b>1,071,707.00</b>	<b>516,085.55</b>	<b>516,085.55</b>	<b>0.00</b>	<b>555,621.45</b>	<b>48.16</b>
2101-4300 Materials/Supplies/Other						
2101-4304 Telephone	56,760.00	16,977.40	16,977.40	0.00	39,782.60	29.91
2101-4305 Office Oper Supplies	55,000.00	7,084.19	7,084.19	0.00	47,915.81	12.88
2101-4306 Prisoner Maintenance	13,000.00	4,402.81	4,402.81	0.00	8,597.19	33.87
2101-4307 Radio Maintenance	775.00	0.00	0.00	0.00	775.00	0.00
2101-4309 Maintenance Materials	10,500.00	397.96	397.96	0.00	10,102.04	3.79
2101-4312 Travel Expense , POST	22,365.00	2,499.20	2,499.20	0.00	19,865.80	11.17
2101-4313 Travel Expense, STC	4,730.00	385.98	385.98	0.00	4,344.02	8.16
2101-4314 Uniforms	19,500.00	4,289.36	4,289.36	0.00	15,210.64	22.00

Expenditure Status Report

CITY OF HERMOSA BEACH  
 7/1/2018 through 11/30/2018

001 General Fund

2101 Police

<u>Account Number</u>	<u>Adjusted Appropriation</u>	<u>Expenditures</u>	<u>Year-to-date Expenditures</u>	<u>Year-to-date Encumbrances</u>	<u>Balance</u>	<u>Prct Used</u>
2101-4315 Membership	4,579.00	2,245.00	2,245.00	0.00	2,334.00	49.03
2101-4317 Conference/Training	67,145.00	21,121.40	21,121.40	0.00	46,023.60	31.46
2101-4326 Prior Yr Expense	0.00	0.00	0.00	0.00	0.00	0.00
2101-4350 Safety Gear	4,524.00	402.39	402.39	0.00	4,121.61	8.89
2101-4390 Communications Equipment Chrgs	360,146.00	150,060.00	150,060.00	0.00	210,086.00	41.67
2101-4394 Building Maintenance Charges	11,250.00	4,690.00	4,690.00	0.00	6,560.00	41.69
2101-4395 Equip Replacement Charges	391,640.00	163,183.35	163,183.35	0.00	228,456.65	41.67
2101-4396 Insurance User Charges	1,300,118.00	541,715.00	541,715.00	0.00	758,403.00	41.67
<b>Total Materials/Supplies/Other</b>	<b>2,322,032.00</b>	<b>919,454.04</b>	<b>919,454.04</b>	<b>0.00</b>	<b>1,402,577.96</b>	<b>39.60</b>
2101-4900 Depreciation						
2101-4901 Depreciation/Mach/Equipment	0.00	0.00	0.00	0.00	0.00	0.00
2101-4904 Depreciation/Improvements	0.00	0.00	0.00	0.00	0.00	0.00
<b>Total Depreciation</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>
2101-5400 Equipment/Furniture						
2101-5401 Equip-Less Than \$1,000	3,075.00	3,074.76	3,074.76	0.00	0.24	99.99
2101-5402 Equip-More Than \$1,000	4,140.00	0.00	0.00	0.00	4,140.00	0.00
2101-5405 Equipment more than \$5,000	0.00	0.00	0.00	0.00	0.00	0.00
<b>Total Equipment/Furniture</b>	<b>7,215.00</b>	<b>3,074.76</b>	<b>3,074.76</b>	<b>0.00</b>	<b>4,140.24</b>	<b>42.62</b>
2101-5600 Buildings/Improvements						
2101-5601 Buildings	0.00	0.00	0.00	0.00	0.00	0.00
2101-5602 Imprvmnts Other Than Bldgs	0.00	0.00	0.00	0.00	0.00	0.00
<b>Total Buildings/Improvements</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>
<b>Total Police</b>	<b>14,915,332.00</b>	<b>5,247,547.62</b>	<b>5,247,547.62</b>	<b>0.00</b>	<b>9,667,784.38</b>	<b>35.18</b>

**Expenditure Status Report**

CITY OF HERMOSA BEACH  
 7/1/2018 through 11/30/2018

001 General Fund

2102 Crossing Guard

<u>Account Number</u>	<u>Adjusted Appropriation</u>	<u>Expenditures</u>	<u>Year-to-date Expenditures</u>	<u>Year-to-date Encumbrances</u>	<u>Balance</u>	<u>Prct Used</u>
2102-4200 Contract Services						
2102-4201 Contract Serv/Private	115,085.00	26,657.76	26,657.76	0.00	88,427.24	23.16
<b>Total Crossing Guard</b>	115,085.00	26,657.76	26,657.76	0.00	88,427.24	23.16



Expenditure Status Report

CITY OF HERMOSA BEACH  
 7/1/2018 through 11/30/2018

001 General Fund

2201 Fire

<u>Account Number</u>	<u>Adjusted Appropriation</u>	<u>Expenditures</u>	<u>Year-to-date Expenditures</u>	<u>Year-to-date Encumbrances</u>	<u>Balance</u>	<u>Prct Used</u>
2201-4100 Personal Services						
2201-4102 Regular Salaries	0.00	0.00	0.00	0.00	0.00	0.00
2201-4106 Regular Overtime	0.00	0.00	0.00	0.00	0.00	0.00
2201-4108 FLSA Overtime	0.00	0.00	0.00	0.00	0.00	0.00
2201-4111 Accrual Cash In	0.00	0.00	0.00	0.00	0.00	0.00
2201-4112 Part Time/Temporary	0.00	0.00	0.00	0.00	0.00	0.00
2201-4119 Fitness Incentive	0.00	0.00	0.00	0.00	0.00	0.00
2201-4180 Retirement	0.00	0.00	0.00	0.00	0.00	0.00
2201-4185 Alternative Retirement System-Parttime	0.00	0.00	0.00	0.00	0.00	0.00
2201-4187 Uniform Allowance	0.00	0.00	0.00	0.00	0.00	0.00
2201-4188 Employee Benefits	0.00	0.00	0.00	0.00	0.00	0.00
2201-4189 Medicare Benefits	0.00	0.00	0.00	0.00	0.00	0.00
2201-4190 Other Post Employment Benefits (OPEB)	0.00	0.00	0.00	0.00	0.00	0.00
<b>Total Personal Services</b>	0.00	0.00	0.00	0.00	0.00	0.00
2201-4200 Contract Services						
2201-4201 Contract Serv/Private	0.00	0.00	0.00	0.00	0.00	0.00
2201-4251 Contract Service/Govt	0.00	0.00	0.00	0.00	0.00	0.00
<b>Total Contract Services</b>	0.00	0.00	0.00	0.00	0.00	0.00
2201-4300 Materials/Supplies/Other						
2201-4304 Telephone	0.00	144.76	144.76	0.00	-144.76	0.00
2201-4305 Office Oper Supplies	0.00	0.00	0.00	0.00	0.00	0.00
2201-4309 Maintenance Materials	0.00	0.00	0.00	0.00	0.00	0.00
2201-4314 Uniforms	0.00	0.00	0.00	0.00	0.00	0.00
2201-4315 Membership	0.00	0.00	0.00	0.00	0.00	0.00
2201-4317 Conference/Training	0.00	0.00	0.00	0.00	0.00	0.00
2201-4326 Prior Yr Expense	0.00	0.00	0.00	0.00	0.00	0.00
2201-4350 Safety Gear	0.00	0.00	0.00	0.00	0.00	0.00
2201-4390 Communications Equipment Chrgs	0.00	0.00	0.00	0.00	0.00	0.00
2201-4394 Building Maintenance Charges	0.00	0.00	0.00	0.00	0.00	0.00

**Expenditure Status Report**

CITY OF HERMOSA BEACH  
 7/1/2018 through 11/30/2018

**001 General Fund**

**2201 Fire**

<u>Account Number</u>	<u>Adjusted Appropriation</u>	<u>Expenditures</u>	<u>Year-to-date Expenditures</u>	<u>Year-to-date Encumbrances</u>	<u>Balance</u>	<u>Prct Used</u>
2201-4395 Equip Replacement Charges	0.00	0.00	0.00	0.00	0.00	0.00
2201-4396 Insurance User Charges	0.00	0.00	0.00	0.00	0.00	0.00
<b>Total Materials/Supplies/Other</b>	0.00	144.76	144.76	0.00	-144.76	0.00
2201-4900 Depreciation						
2201-4901 Depreciation/Mach/Equipment	0.00	0.00	0.00	0.00	0.00	0.00
2201-4903 Depreciation/Bldgs	0.00	0.00	0.00	0.00	0.00	0.00
2201-4904 Depreciation/Improvements	0.00	0.00	0.00	0.00	0.00	0.00
<b>Total Depreciation</b>	0.00	0.00	0.00	0.00	0.00	0.00
2201-5400 Equipment/Furniture						
2201-5401 Equip-Less Than \$1,000	0.00	0.00	0.00	0.00	0.00	0.00
2201-5402 Equip-More Than \$1,000	0.00	0.00	0.00	0.00	0.00	0.00
2201-5403 Vehicles	0.00	0.00	0.00	0.00	0.00	0.00
2201-5405 Equipment more than \$5,000	0.00	0.00	0.00	0.00	0.00	0.00
<b>Total Equipment/Furniture</b>	0.00	0.00	0.00	0.00	0.00	0.00
2201-5600 Buildings/Improvements						
2201-5602 Improvements Other Than Bldgs	0.00	0.00	0.00	0.00	0.00	0.00
<b>Total Buildings/Improvements</b>	0.00	0.00	0.00	0.00	0.00	0.00
<b>Total Fire</b>	0.00	144.76	144.76	0.00	-144.76	0.00

**Expenditure Status Report**

CITY OF HERMOSA BEACH  
 7/1/2018 through 11/30/2018

001 General Fund

2202 County Fire District Costs

<u>Account Number</u>	<u>Adjusted Appropriation</u>	<u>Expenditures</u>	<u>Year-to-date Expenditures</u>	<u>Year-to-date Encumbrances</u>	<u>Balance</u>	<u>Prct Used</u>
2202-4200 Contract Services						
2202-4251 Contract Services/Gov't	4,727,878.00	2,376,183.96	2,376,183.96	0.00	2,351,694.04	50.26
<b>Total Contract Services</b>	4,727,878.00	2,376,183.96	2,376,183.96	0.00	2,351,694.04	50.26
2202-4300 Materials/Supplies/Other						
2202-4303 Utilities	0.00	0.00	0.00	0.00	0.00	0.00
2202-4310 Motor Fuels And Lubes	0.00	0.00	0.00	0.00	0.00	0.00
<b>Total Materials/Supplies/Other</b>	0.00	0.00	0.00	0.00	0.00	0.00
2202-5600 Buildings/Improvements						
2202-5601 Buildings and Improvements	418,223.00	0.00	0.00	0.00	418,223.00	0.00
<b>Total Buildings/Improvements</b>	418,223.00	0.00	0.00	0.00	418,223.00	0.00
<b>Total County Fire District Costs</b>	5,146,101.00	2,376,183.96	2,376,183.96	0.00	2,769,917.04	46.17

**Expenditure Status Report**

CITY OF HERMOSA BEACH  
 7/1/2018 through 11/30/2018

**001 General Fund**

**2203 Fire Department Legacy Costs**

<u>Account Number</u>	<u>Adjusted Appropriation</u>	<u>Expenditures</u>	<u>Year-to-date Expenditures</u>	<u>Year-to-date Encumbrances</u>	<u>Balance</u>	<u>Prct Used</u>
2203-4100 Personal Services						
2203-4102 Regular Salaries	0.00	0.00	0.00	0.00	0.00	0.00
2203-4180 Retirement	612,000.00	590,425.00	590,425.00	0.00	21,575.00	96.47
2203-4188 Employee Benefits	0.00	0.00	0.00	0.00	0.00	0.00
2203-4189 Medicare Benefits	0.00	0.00	0.00	0.00	0.00	0.00
2203-4190 Other Post Employment Benefits/OPEB	130,974.00	54,572.50	54,572.50	0.00	76,401.50	41.67
<b>Total Personal Services</b>	<b>742,974.00</b>	<b>644,997.50</b>	<b>644,997.50</b>	<b>0.00</b>	<b>97,976.50</b>	<b>86.81</b>
2203-4300 Materials/Supplies/Other						
2203-4396 Insurance User Charges	0.00	0.00	0.00	0.00	0.00	0.00
<b>Total Materials/Supplies/Other</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>
<b>Total Fire Department Legacy Costs</b>	<b>742,974.00</b>	<b>644,997.50</b>	<b>644,997.50</b>	<b>0.00</b>	<b>97,976.50</b>	<b>86.81</b>

**Expenditure Status Report**

CITY OF HERMOSA BEACH  
 7/1/2018 through 11/30/2018

001 General Fund

3102 Sewers/Storm Drains

<u>Account Number</u>	<u>Adjusted Appropriation</u>	<u>Expenditures</u>	<u>Year-to-date Expenditures</u>	<u>Year-to-date Encumbrances</u>	<u>Balance</u>	<u>Prct Used</u>
3102-4900 Depreciation						
3102-4901 Depreciation/Mach/Equipment	0.00	0.00	0.00	0.00	0.00	0.00
<b>Total Sewers/Storm Drains</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>

**Expenditure Status Report**

CITY OF HERMOSA BEACH  
 7/1/2018 through 11/30/2018

**001 General Fund**

**3104 Street Maint/Traffic Safety**

<u>Account Number</u>	<u>Adjusted Appropriation</u>	<u>Expenditures</u>	<u>Year-to-date Expenditures</u>	<u>Year-to-date Encumbrances</u>	<u>Balance</u>	<u>Prct Used</u>
3104-4100 Personal Services						
3104-4102 Regular Salaries	309,438.00	130,821.74	130,821.74	0.00	178,616.26	42.28
3104-4106 Regular Overtime	16,651.00	0.00	0.00	0.00	16,651.00	0.00
3104-4111 Accrual Cash In	20,713.00	29,312.52	29,312.52	0.00	-8,599.52	141.52
3104-4112 Part Time/Temporary	44,013.00	8,688.72	8,688.72	0.00	35,324.28	19.74
3104-4180 Retirement	114,389.00	19,691.14	19,691.14	0.00	94,697.86	17.21
3104-4188 Employee Benefits	58,809.00	22,373.89	22,373.89	0.00	36,435.11	38.05
3104-4189 Medicare Benefits	2,174.00	815.05	815.05	0.00	1,358.95	37.49
3104-4190 Other Post Employment Benefits (OPEB)	22,221.00	9,258.75	9,258.75	0.00	12,962.25	41.67
<b>Total Personal Services</b>	<b>588,408.00</b>	<b>220,961.81</b>	<b>220,961.81</b>	<b>0.00</b>	<b>367,446.19</b>	<b>37.55</b>
3104-4200 Contract Services						
3104-4201 Contract Serv/Private	381,423.00	89,409.25	89,409.25	0.00	292,013.75	23.44
3104-4251 Contract Service/Govt	10,294.00	4,064.14	4,064.14	0.00	6,229.86	39.48
<b>Total Contract Services</b>	<b>391,717.00</b>	<b>93,473.39</b>	<b>93,473.39</b>	<b>0.00</b>	<b>298,243.61</b>	<b>23.86</b>
3104-4300 Materials/Supplies/Other						
3104-4303 Utilities	6,066.00	2,710.72	2,710.72	0.00	3,355.28	44.69
3104-4309 Maintenance Materials	115,000.00	26,667.06	26,667.06	0.00	88,332.94	23.19
3104-4326 Prior Yr Expense	0.00	0.00	0.00	0.00	0.00	0.00
3104-4394 Building Maintenance Charges	666.00	275.00	275.00	0.00	391.00	41.29
3104-4395 Equip Replacement Charges	55,595.00	23,164.60	23,164.60	0.00	32,430.40	41.67
3104-4396 Insurance User Charges	425,162.00	177,150.00	177,150.00	0.00	248,012.00	41.67
<b>Total Materials/Supplies/Other</b>	<b>602,489.00</b>	<b>229,967.38</b>	<b>229,967.38</b>	<b>0.00</b>	<b>372,521.62</b>	<b>38.17</b>
3104-5400 Equipment/Furniture						
3104-5401 Equip-Less Than \$1,000	0.00	0.00	0.00	0.00	0.00	0.00
3104-5402 Equip-More Than \$1,000	0.00	0.00	0.00	0.00	0.00	0.00
3104-5405 Equipment more than \$5,000	0.00	0.00	0.00	0.00	0.00	0.00
<b>Total Equipment/Furniture</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>

Expenditure Status Report

CITY OF HERMOSA BEACH  
 7/1/2018 through 11/30/2018

001 General Fund

Total Street Maint/Traffic Safety 1,582,614.00 544,402.58 544,402.58 0.00 1,038,211.42 34.40

3301 Downtown Enhancement

<u>Account Number</u>	<u>Adjusted Appropriation</u>	<u>Expenditures</u>	<u>Year-to-date Expenditures</u>	<u>Year-to-date Encumbrances</u>	<u>Balance</u>	<u>Prct Used</u>
3301-4100 Personal Services						
3301-4102 Regular Salaries	47,337.00	18,895.94	18,895.94	0.00	28,441.06	39.92
3301-4106 Regular Overtime	1,200.00	0.00	0.00	0.00	1,200.00	0.00
3301-4111 Accrual Cash In	4,773.00	1,646.83	1,646.83	0.00	3,126.17	34.50
3301-4180 Retirement	13,338.00	2,401.88	2,401.88	0.00	10,936.12	18.01
3301-4188 Employee Benefits	7,009.00	2,813.99	2,813.99	0.00	4,195.01	40.15
3301-4189 Medicare Benefits	705.00	306.33	306.33	0.00	398.67	43.45
3301-4190 Other Post Employment Benefits/OPEB	1,661.00	692.10	692.10	0.00	968.90	41.67
<b>Total Personal Services</b>	<b>76,023.00</b>	<b>26,757.07</b>	<b>26,757.07</b>	<b>0.00</b>	<b>49,265.93</b>	<b>35.20</b>
3301-4200 Contract Services						
3301-4201 Contract Serv/Private	267,170.00	86,779.79	86,779.79	0.00	180,390.21	32.48
<b>Total Contract Services</b>	<b>267,170.00</b>	<b>86,779.79</b>	<b>86,779.79</b>	<b>0.00</b>	<b>180,390.21</b>	<b>32.48</b>
3301-4300 Materials/Supplies/Other						
3301-4303 Utilities	0.00	0.00	0.00	0.00	0.00	0.00
3301-4309 Maintenance Materials	3,000.00	1,849.14	1,849.14	0.00	1,150.86	61.64
3301-4319 Special Events	0.00	0.00	0.00	0.00	0.00	0.00
3301-4394 Building Maintenance Charges	221.00	90.00	90.00	0.00	131.00	40.72
3301-4395 Equip Replacement Chrgs	557.00	232.10	232.10	0.00	324.90	41.67
3301-4396 Insurance User Charges	5,940.00	2,475.00	2,475.00	0.00	3,465.00	41.67
<b>Total Materials/Supplies/Other</b>	<b>9,718.00</b>	<b>4,646.24</b>	<b>4,646.24</b>	<b>0.00</b>	<b>5,071.76</b>	<b>47.81</b>
3301-4900 Depreciation						
3301-4901 Depreciation/Mach/Equipment	0.00	0.00	0.00	0.00	0.00	0.00
3301-4903 Depreciation/Bldgs	0.00	0.00	0.00	0.00	0.00	0.00
<b>Total Depreciation</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>
3301-5400 Equipment/Furniture						

**Expenditure Status Report**

CITY OF HERMOSA BEACH  
 7/1/2018 through 11/30/2018

001 General Fund

3301 Downtown Enhancement

<i>Account Number</i>	<i>Adjusted Appropriation</i>	<i>Expenditures</i>	<i>Year-to-date Expenditures</i>	<i>Year-to-date Encumbrances</i>	<i>Balance</i>	<i>Prct Used</i>
3301-5401 Equip-Less Than \$1,000	0.00	0.00	0.00	0.00	0.00	0.00
3301-5402 Equip-More Than \$1,000	0.00	0.00	0.00	0.00	0.00	0.00
3301-5405 Equipment more than \$5,000	0.00	0.00	0.00	0.00	0.00	0.00
<b>Total Equipment/Furniture</b>	0.00	0.00	0.00	0.00	0.00	0.00
<b>Total Downtown Enhancement</b>	352,911.00	118,183.10	118,183.10	0.00	234,727.90	33.49



**Expenditure Status Report**

CITY OF HERMOSA BEACH  
 7/1/2018 through 11/30/2018

**001 General Fund**

**3302 Community Services**

<u>Account Number</u>	<u>Adjusted Appropriation</u>	<u>Expenditures</u>	<u>Year-to-date Expenditures</u>	<u>Year-to-date Encumbrances</u>	<u>Balance</u>	<u>Prct Used</u>
3302-4100 Personal Services						
3302-4102 Regular Salaries	1,029,655.00	343,357.59	343,357.59	0.00	686,297.41	33.35
3302-4106 Regular Overtime	40,800.00	26,572.96	26,572.96	0.00	14,227.04	65.13
3302-4111 Accrual Cash In	47,044.00	45,583.55	45,583.55	0.00	1,460.45	96.90
3302-4112 Part Time Temporary	42,890.00	44,365.16	44,365.16	0.00	-1,475.16	103.44
3302-4117 Shift Differential	7,525.00	2,072.64	2,072.64	0.00	5,452.36	27.54
3302-4118 Field Training Officer	602.00	180.00	180.00	0.00	422.00	29.90
3302-4180 Retirement	285,240.00	49,937.61	49,937.61	0.00	235,302.39	17.51
3302-4185 Alternative Retirement System-Parttime	380.00	20.97	20.97	0.00	359.03	5.52
3302-4187 Uniform Allowance	4,800.00	1,952.06	1,952.06	0.00	2,847.94	40.67
3302-4188 Employee Benefits	264,289.00	98,744.98	98,744.98	0.00	165,544.02	37.36
3302-4189 Medicare Benefits	15,307.00	6,731.34	6,731.34	0.00	8,575.66	43.98
3302-4190 Other Post Employment Benefits (OPEB)	81,109.00	33,795.40	33,795.40	0.00	47,313.60	41.67
<b>Total Personal Services</b>	<b>1,819,641.00</b>	<b>653,314.26</b>	<b>653,314.26</b>	<b>0.00</b>	<b>1,166,326.74</b>	<b>35.90</b>
3302-4200 Contract Services						
3302-4201 Contract Serv/Private	233,824.00	90,291.81	90,291.81	0.00	143,532.19	38.62
3302-4251 Contract Services/Govt	83,969.00	41,422.23	41,422.23	0.00	42,546.77	49.33
<b>Total Contract Services</b>	<b>317,793.00</b>	<b>131,714.04</b>	<b>131,714.04</b>	<b>0.00</b>	<b>186,078.96</b>	<b>41.45</b>
3302-4300 Materials/Supplies/Other						
3302-4304 Telephone	3,500.00	1,068.38	1,068.38	0.00	2,431.62	30.53
3302-4305 Office Operating Supplies	20,000.00	1,640.17	1,640.17	0.00	18,359.83	8.20
3302-4307 Radio Maintenance	775.00	0.00	0.00	0.00	775.00	0.00
3302-4309 Maintenance Materials	33,372.00	8,165.00	8,165.00	0.00	25,207.00	24.47
3302-4314 Uniforms	3,000.00	0.00	0.00	0.00	3,000.00	0.00
3302-4315 Membership	540.00	0.00	0.00	0.00	540.00	0.00
3302-4317 Conference/Training	7,865.00	1,886.24	1,886.24	0.00	5,978.76	23.98
3302-4390 Communications Equipment Chrgs	101,235.00	42,180.00	42,180.00	0.00	59,055.00	41.67
3302-4394 Building Maintenance Charges	7,088.00	2,955.00	2,955.00	0.00	4,133.00	41.69
3302-4395 Equip Replacement Chrgs	110,061.00	45,858.75	45,858.75	0.00	64,202.25	41.67

**Expenditure Status Report**

CITY OF HERMOSA BEACH  
 7/1/2018 through 11/30/2018

001 General Fund

3302 Community Services

<i>Account Number</i>	<i>Adjusted Appropriation</i>	<i>Expenditures</i>	<i>Year-to-date Expenditures</i>	<i>Year-to-date Encumbrances</i>	<i>Balance</i>	<i>Prct Used</i>
3302-4396 Insurance User Charges	153,515.00	63,965.00	63,965.00	0.00	89,550.00	41.67
<b>Total Materials/Supplies/Other</b>	440,951.00	167,718.54	167,718.54	0.00	273,232.46	38.04
3302-4900 Depreciation						
3302-4901 Depreciation/Mach/Equipment	0.00	0.00	0.00	0.00	0.00	0.00
3302-4903 Depreciation/Bldgs	0.00	0.00	0.00	0.00	0.00	0.00
<b>Total Depreciation</b>	0.00	0.00	0.00	0.00	0.00	0.00
3302-5400 Equipment/Furniture						
3302-5401 Equip-Less Than \$1,000	2,575.00	5,623.48	5,623.48	0.00	-3,048.48	218.39
3302-5402 Equip-More Than \$1,000	0.00	0.00	0.00	0.00	0.00	0.00
<b>Total Equipment/Furniture</b>	2,575.00	5,623.48	5,623.48	0.00	-3,048.48	218.39
3302-5600 Buildings/Improvements						
3302-5601 Buildings	0.00	0.00	0.00	0.00	0.00	0.00
<b>Total Buildings/Improvements</b>	0.00	0.00	0.00	0.00	0.00	0.00
<b>Total Community Services</b>	2,580,960.00	958,370.32	958,370.32	0.00	1,622,589.68	37.13

**Expenditure Status Report**

CITY OF HERMOSA BEACH  
 7/1/2018 through 11/30/2018

**001 General Fund**

**3304 North Pier Parking Structure**

<u>Account Number</u>	<u>Adjusted Appropriation</u>	<u>Expenditures</u>	<u>Year-to-date Expenditures</u>	<u>Year-to-date Encumbrances</u>	<u>Balance</u>	<u>Prct Used</u>
3304-4200 Contract Services						
3304-4201 Contract Serv/Private	140,946.00	29,399.34	29,399.34	0.00	111,546.66	20.86
3304-4251 Contract Services/Gov't	225.00	0.00	0.00	0.00	225.00	0.00
<b>Total Contract Services</b>	141,171.00	29,399.34	29,399.34	0.00	111,771.66	20.83
3304-4300 Materials/Supplies/Other						
3304-4303 Utilities	17,837.00	7,422.72	7,422.72	0.00	10,414.28	41.61
3304-4304 Telephone	689.00	285.53	285.53	0.00	403.47	41.44
3304-4309 Maintenance Materials	4,500.00	0.00	0.00	0.00	4,500.00	0.00
<b>Total Materials/Supplies/Other</b>	23,026.00	7,708.25	7,708.25	0.00	15,317.75	33.48
3304-4900 Depreciation						
3304-4903 Depreciation/Bldgs	0.00	0.00	0.00	0.00	0.00	0.00
<b>Total Depreciation</b>	0.00	0.00	0.00	0.00	0.00	0.00
<b>Total North Pier Parking Structure</b>	164,197.00	37,107.59	37,107.59	0.00	127,089.41	22.60

**Expenditure Status Report**

CITY OF HERMOSA BEACH  
 7/1/2018 through 11/30/2018

001 General Fund

3305 Downtown Parking Lot A

<u>Account Number</u>	<u>Adjusted Appropriation</u>	<u>Expenditures</u>	<u>Year-to-date Expenditures</u>	<u>Year-to-date Encumbrances</u>	<u>Balance</u>	<u>Prct Used</u>
3305-4200 Contract Services						
3305-4201 Contract Serv/Private	61,443.00	17,270.49	17,270.49	0.00	44,172.51	28.11
<b>Total Contract Services</b>	61,443.00	17,270.49	17,270.49	0.00	44,172.51	28.11
3305-4300 Materials/Supplies/Other						
3305-4309 Maintenance Materials	2,000.00	0.00	0.00	0.00	2,000.00	0.00
<b>Total Materials/Supplies/Other</b>	2,000.00	0.00	0.00	0.00	2,000.00	0.00
3305-4900 Depreciation						
3305-4904 Depreciation/Improvements	0.00	0.00	0.00	0.00	0.00	0.00
<b>Total Depreciation</b>	0.00	0.00	0.00	0.00	0.00	0.00
<b>Total Downtown Parking Lot A</b>	63,443.00	17,270.49	17,270.49	0.00	46,172.51	27.22

**Expenditure Status Report**

CITY OF HERMOSA BEACH  
 7/1/2018 through 11/30/2018

001 General Fund

3306 Co. Share Pkg Structure Rev.

<u>Account Number</u>	<u>Adjusted Appropriation</u>	<u>Expenditures</u>	<u>Year-to-date Expenditures</u>	<u>Year-to-date Encumbrances</u>	<u>Balance</u>	<u>Prct Used</u>
3306-4200 Contract Services						
3306-4251 Contract Services/Gov't	329,845.00	0.00	0.00	0.00	329,845.00	0.00
<b>Total Co. Share Pkg Structure Rev.</b>	<b>329,845.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>329,845.00</b>	<b>0.00</b>

**Expenditure Status Report**

CITY OF HERMOSA BEACH  
 7/1/2018 through 11/30/2018

001 General Fund

3411 After School Program Shuttle

<u>Account Number</u>	<u>Adjusted Appropriation</u>	<u>Expenditures</u>	<u>Year-to-date Expenditures</u>	<u>Year-to-date Encumbrances</u>	<u>Balance</u>	<u>Prct Used</u>
3411-4200 Contract Services						
3411-4201 Contract Serv/Private	0.00	0.00	0.00	0.00	0.00	0.00
<b>Total After School Program Shuttle</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>

Expenditure Status Report

CITY OF HERMOSA BEACH  
 7/1/2018 through 11/30/2018

001 General Fund

4101 Community Dev/Planning

<u>Account Number</u>	<u>Adjusted Appropriation</u>	<u>Expenditures</u>	<u>Year-to-date Expenditures</u>	<u>Year-to-date Encumbrances</u>	<u>Balance</u>	<u>Prct Used</u>
4101-4100 Personal Services						
4101-4102 Regular Salaries	643,087.00	254,331.27	254,331.27	0.00	388,755.73	39.55
4101-4106 Regular Overtime	674.00	334.78	334.78	0.00	339.22	49.67
4101-4111 Accrual Cash In	30,174.00	6,141.39	6,141.39	0.00	24,032.61	20.35
4101-4112 Part Time/Temporary	81,219.00	27,261.42	27,261.42	0.00	53,957.58	33.57
4101-4117 Shift Differential	0.00	249.60	249.60	0.00	-249.60	0.00
4101-4180 Retirement	105,813.00	22,656.43	22,656.43	0.00	83,156.57	21.41
4101-4185 Alternative Retirement System-Parttime	0.00	43.83	43.83	0.00	-43.83	0.00
4101-4187 Uniform Allowance	0.00	0.00	0.00	0.00	0.00	0.00
4101-4188 Employee Benefits	104,241.00	42,447.04	42,447.04	0.00	61,793.96	40.72
4101-4189 Medicare Benefits	10,572.00	4,255.19	4,255.19	0.00	6,316.81	40.25
4101-4190 Other Post Employment Benefits (OPEB)	30,346.00	12,644.15	12,644.15	0.00	17,701.85	41.67
<b>Total Personal Services</b>	1,006,126.00	370,365.10	370,365.10	0.00	635,760.90	36.81
4101-4200 Contract Services						
4101-4201 Contract Serv/Private	47,090.00	2,215.15	2,215.15	0.00	44,874.85	4.70
<b>Total Contract Services</b>	47,090.00	2,215.15	2,215.15	0.00	44,874.85	4.70
4101-4300 Materials/Supplies/Other						
4101-4304 Telephone	3,000.00	275.60	275.60	0.00	2,724.40	9.19
4101-4305 Office Oper Supplies	5,000.00	2,357.17	2,357.17	0.00	2,642.83	47.14
4101-4314 Uniforms	241.00	0.00	0.00	0.00	241.00	0.00
4101-4315 Membership	4,408.00	252.00	252.00	0.00	4,156.00	5.72
4101-4317 Conference/Training	13,307.00	3,602.98	3,602.98	0.00	9,704.02	27.08
4101-4390 Communications Equipment Chrgs	13,636.00	5,680.00	5,680.00	0.00	7,956.00	41.65
4101-4394 Building Maintenance Charges	2,234.00	930.00	930.00	0.00	1,304.00	41.63
4101-4396 Insurance User Charges	43,240.00	18,015.00	18,015.00	0.00	25,225.00	41.66
<b>Total Materials/Supplies/Other</b>	85,066.00	31,112.75	31,112.75	0.00	53,953.25	36.57
<b>Total Community Dev/Planning</b>	1,138,282.00	403,693.00	403,693.00	0.00	734,589.00	35.47

**Expenditure Status Report**

CITY OF HERMOSA BEACH  
 7/1/2018 through 11/30/2018

001 General Fund

4104 Coastal Permit Auth Grant

<u>Account Number</u>	<u>Adjusted Appropriation</u>	<u>Expenditures</u>	<u>Year-to-date Expenditures</u>	<u>Year-to-date Encumbrances</u>	<u>Balance</u>	<u>Prct Used</u>
4104-4100 Personal Services						
4104-4106 Regular Overtime	0.00	0.00	0.00	0.00	0.00	0.00
<b>Total</b> Personal Services	0.00	0.00	0.00	0.00	0.00	0.00
4104-4200 Contract Services						
4104-4201 Contract Serv/Private	62,576.00	3,761.64	3,761.64	0.00	58,814.36	6.01
<b>Total</b> Contract Services	62,576.00	3,761.64	3,761.64	0.00	58,814.36	6.01
4104-4300 Materials/Supplies/Other						
4104-4305 Office Operating Supplies	0.00	0.00	0.00	0.00	0.00	0.00
<b>Total</b> Materials/Supplies/Other	0.00	0.00	0.00	0.00	0.00	0.00
<b>Total</b> Coastal Permit Auth Grant	62,576.00	3,761.64	3,761.64	0.00	58,814.36	6.01



**Expenditure Status Report**

CITY OF HERMOSA BEACH  
 7/1/2018 through 11/30/2018

001 General Fund

4105 Zoning Ordinance Update

<u>Account Number</u>	<u>Adjusted Appropriation</u>	<u>Expenditures</u>	<u>Year-to-date Expenditures</u>	<u>Year-to-date Encumbrances</u>	<u>Balance</u>	<u>Prct Used</u>
4105-4200 Contract Services						
4105-4201 Contract Serv/Private	250,000.00	0.00	0.00	0.00	250,000.00	0.00
<b>Total Zoning Ordinance Update</b>	250,000.00	0.00	0.00	0.00	250,000.00	0.00

Expenditure Status Report

CITY OF HERMOSA BEACH  
 7/1/2018 through 11/30/2018

001 General Fund

4201 Community Dev/Building

<u>Account Number</u>	<u>Adjusted Appropriation</u>	<u>Expenditures</u>	<u>Year-to-date Expenditures</u>	<u>Year-to-date Encumbrances</u>	<u>Balance</u>	<u>Prct Used</u>
4201-4100 Personal Services						
4201-4102 Regular Salaries	485,622.00	197,427.67	197,427.67	0.00	288,194.33	40.65
4201-4106 Regular Overtime	434.00	334.77	334.77	0.00	99.23	77.14
4201-4111 Accrual Cash In	20,420.00	9,022.15	9,022.15	0.00	11,397.85	44.18
4201-4112 Part Time/Temporary	0.00	0.00	0.00	0.00	0.00	0.00
4201-4117 Shift Differential	0.00	249.60	249.60	0.00	-249.60	0.00
4201-4180 Retirement	164,409.00	23,956.79	23,956.79	0.00	140,452.21	14.57
4201-4185 Alternative Retirement System-Parttime	0.00	43.83	43.83	0.00	-43.83	0.00
4201-4187 Uniform Allowance	0.00	0.00	0.00	0.00	0.00	0.00
4201-4188 Employee Benefits	71,755.00	25,619.01	25,619.01	0.00	46,135.99	35.70
4201-4189 Medicare Benefits	7,187.00	3,065.59	3,065.59	0.00	4,121.41	42.65
4201-4190 Other Post Employment Benefits (OPEB)	30,675.00	12,781.25	12,781.25	0.00	17,893.75	41.67
<b>Total Personal Services</b>	<b>780,502.00</b>	<b>272,500.66</b>	<b>272,500.66</b>	<b>0.00</b>	<b>508,001.34</b>	<b>34.91</b>
4201-4200 Contract Services						
4201-4201 Contract Serv/Private	262,068.00	41,664.90	41,664.90	0.00	220,403.10	15.90
<b>Total Contract Services</b>	<b>262,068.00</b>	<b>41,664.90</b>	<b>41,664.90</b>	<b>0.00</b>	<b>220,403.10</b>	<b>15.90</b>
4201-4300 Materials/Supplies/Other						
4201-4304 Telephone	5,500.00	1,481.59	1,481.59	0.00	4,018.41	26.94
4201-4305 Office Oper Supplies	5,000.00	1,603.87	1,603.87	0.00	3,396.13	32.08
4201-4314 Uniforms	1,246.00	413.24	413.24	0.00	832.76	33.17
4201-4315 Membership	5,290.00	95.00	95.00	0.00	5,195.00	1.80
4201-4317 Conference/Training	10,336.00	3,966.14	3,966.14	0.00	6,369.86	38.37
4201-4390 Communications Equipment Chrgs	18,432.00	7,680.00	7,680.00	0.00	10,752.00	41.67
4201-4394 Building Maintenance Charges	1,409.00	585.00	585.00	0.00	824.00	41.52
4201-4395 Equip Replacement Charges	24,774.00	10,322.50	10,322.50	0.00	14,451.50	41.67
4201-4396 Insurance User Charges	54,211.00	22,590.00	22,590.00	0.00	31,621.00	41.67
<b>Total Materials/Supplies/Other</b>	<b>126,198.00</b>	<b>48,737.34</b>	<b>48,737.34</b>	<b>0.00</b>	<b>77,460.66</b>	<b>38.62</b>
4201-4900 Depreciation						

**Expenditure Status Report**

CITY OF HERMOSA BEACH  
 7/1/2018 through 11/30/2018

001 General Fund

4201 Community Dev/Building

<u>Account Number</u>	<u>Adjusted Appropriation</u>	<u>Expenditures</u>	<u>Year-to-date Expenditures</u>	<u>Year-to-date Encumbrances</u>	<u>Balance</u>	<u>Prct Used</u>
4201-4901 Depreciation/Mach/Equipment	0.00	0.00	0.00	0.00	0.00	0.00
4201-4902 Depreciation/Vehicles	0.00	0.00	0.00	0.00	0.00	0.00
4201-4903 Depreciation/Bldgs	0.00	0.00	0.00	0.00	0.00	0.00
4201-4904 Depreciation/Improvements	0.00	0.00	0.00	0.00	0.00	0.00
<b>Total Depreciation</b>	0.00	0.00	0.00	0.00	0.00	0.00
4201-5600 Buildings/Improvements						
4201-5602 Imprvmnts Other Than Bldgs	0.00	0.00	0.00	0.00	0.00	0.00
<b>Total Buildings/Improvements</b>	0.00	0.00	0.00	0.00	0.00	0.00
<b>Total Community Dev/Building</b>	1,168,768.00	362,902.90	362,902.90	0.00	805,865.10	31.05

**Expenditure Status Report**

CITY OF HERMOSA BEACH  
 7/1/2018 through 11/30/2018

**001 General Fund**

**4202 Public Works Administration**

<u>Account Number</u>	<u>Adjusted Appropriation</u>	<u>Expenditures</u>	<u>Year-to-date Expenditures</u>	<u>Year-to-date Encumbrances</u>	<u>Balance</u>	<u>Prct Used</u>
4202-4100 Personal Services						
4202-4102 Regular Salaries	616,696.00	203,749.87	203,749.87	0.00	412,946.13	33.04
4202-4106 Regular Overtime	2,000.00	727.17	727.17	0.00	1,272.83	36.36
4202-4111 Accrual Cash In	21,417.00	4,388.44	4,388.44	0.00	17,028.56	20.49
4202-4112 Part Time/Temporary	12,480.00	54,436.22	54,436.22	0.00	-41,956.22	436.19
4202-4180 Retirement	148,108.00	29,930.20	29,930.20	0.00	118,177.80	20.21
4202-4185 Alternative Retirement System-Parttime	0.00	0.00	0.00	0.00	0.00	0.00
4202-4188 Employee Benefits	100,698.00	30,464.44	30,464.44	0.00	70,233.56	30.25
4202-4189 Medicare Benefits	9,771.00	3,961.27	3,961.27	0.00	5,809.73	40.54
4202-4190 Other Post Employment Benefits (OPEB)	26,442.00	11,017.50	11,017.50	0.00	15,424.50	41.67
<b>Total Personal Services</b>	<b>937,612.00</b>	<b>338,675.11</b>	<b>338,675.11</b>	<b>0.00</b>	<b>598,936.89</b>	<b>36.12</b>
4202-4200 Contract Services						
4202-4201 Contract Serv/Private	112,929.00	21,313.38	21,313.38	0.00	91,615.62	18.87
4202-4251 Contract Service/Govt	0.00	0.00	0.00	0.00	0.00	0.00
<b>Total Contract Services</b>	<b>112,929.00</b>	<b>21,313.38</b>	<b>21,313.38</b>	<b>0.00</b>	<b>91,615.62</b>	<b>18.87</b>
4202-4300 Materials/Supplies/Other						
4202-4304 Telephone	19,980.00	5,615.79	5,615.79	0.00	14,364.21	28.11
4202-4305 Office Oper Supplies	14,998.00	5,143.53	5,143.53	0.00	9,854.47	34.29
4202-4314 Uniforms	6,678.00	2,288.98	2,288.98	0.00	4,389.02	34.28
4202-4315 Membership	1,775.00	1,443.75	1,443.75	0.00	331.25	81.34
4202-4317 Conference/Training	24,807.00	5,176.03	5,176.03	0.00	19,630.97	20.87
4202-4390 Communications Equipment Chrgs	74,882.00	31,200.00	31,200.00	0.00	43,682.00	41.67
4202-4394 Building Maintenance Charges	6,478.00	2,700.00	2,700.00	0.00	3,778.00	41.68
4202-4395 Equip Replacement Charges	17,100.00	7,125.00	7,125.00	0.00	9,975.00	41.67
4202-4396 Insurance User Charges	64,163.00	26,735.00	26,735.00	0.00	37,428.00	41.67
<b>Total Materials/Supplies/Other</b>	<b>230,861.00</b>	<b>87,428.08</b>	<b>87,428.08</b>	<b>0.00</b>	<b>143,432.92</b>	<b>37.87</b>
4202-4900 Depreciation						
4202-4901 Depreciation/Mach/Equipment	0.00	0.00	0.00	0.00	0.00	0.00

**Expenditure Status Report**

CITY OF HERMOSA BEACH  
 7/1/2018 through 11/30/2018

001 General Fund

4202 Public Works Administration

<u>Account Number</u>	<u>Adjusted Appropriation</u>	<u>Expenditures</u>	<u>Year-to-date Expenditures</u>	<u>Year-to-date Encumbrances</u>	<u>Balance</u>	<u>Prct Used</u>
4202-4902 Depreciation/Vehicles	0.00	0.00	0.00	0.00	0.00	0.00
4202-4903 Depreciation/Bldgs	0.00	0.00	0.00	0.00	0.00	0.00
4202-4904 Depreciation/Improvements	0.00	0.00	0.00	0.00	0.00	0.00
<b>Total Depreciation</b>	0.00	0.00	0.00	0.00	0.00	0.00
4202-5400 Equipment/Furniture						
4202-5401 Equip-Less Than \$1,000	850.00	0.00	0.00	0.00	850.00	0.00
4202-5402 Equip-More Than \$1,000	0.00	0.00	0.00	0.00	0.00	0.00
<b>Total Equipment/Furniture</b>	850.00	0.00	0.00	0.00	850.00	0.00
4202-5600 Buildings/Improvements						
4202-5602 Imprvmts Other Than Bldg	0.00	0.00	0.00	0.00	0.00	0.00
<b>Total Buildings/Improvements</b>	0.00	0.00	0.00	0.00	0.00	0.00
<b>Total Public Works Administration</b>	1,282,252.00	447,416.57	447,416.57	0.00	834,835.43	34.89

Expenditure Status Report

CITY OF HERMOSA BEACH  
 7/1/2018 through 11/30/2018

001 General Fund

4204 Building Maintenance

<u>Account Number</u>	<u>Adjusted Appropriation</u>	<u>Expenditures</u>	<u>Year-to-date Expenditures</u>	<u>Year-to-date Encumbrances</u>	<u>Balance</u>	<u>Prct Used</u>
4204-4100 Personal Services						
4204-4102 Regular Salaries	274,917.00	100,231.67	100,231.67	0.00	174,685.33	36.46
4204-4106 Regular Overtime	14,575.00	6,974.45	6,974.45	0.00	7,600.55	47.85
4204-4111 Accrual Cash In	22,070.00	12,396.06	12,396.06	0.00	9,673.94	56.17
4204-4112 Part Time Temporary	0.00	0.00	0.00	0.00	0.00	0.00
4204-4180 Retirement	82,103.00	12,744.69	12,744.69	0.00	69,358.31	15.52
4204-4185 Alternative Retirement System-Parttime	0.00	39.27	39.27	0.00	-39.27	0.00
4204-4188 Employee Benefits	61,617.00	21,503.41	21,503.41	0.00	40,113.59	34.90
4204-4189 Medicare Benefits	3,861.00	1,654.81	1,654.81	0.00	2,206.19	42.86
4204-4190 Other Post Employment Benefits (OPEB)	17,490.00	7,287.50	7,287.50	0.00	10,202.50	41.67
<b>Total Personal Services</b>	<b>476,633.00</b>	<b>162,831.86</b>	<b>162,831.86</b>	<b>0.00</b>	<b>313,801.14</b>	<b>34.16</b>
4204-4200 Contract Services						
4204-4201 Contract Serv/Private	139,544.00	51,826.31	51,826.31	0.00	87,717.69	37.14
4204-4251 Contract Service/Govt	225.00	0.00	0.00	0.00	225.00	0.00
<b>Total Contract Services</b>	<b>139,769.00</b>	<b>51,826.31</b>	<b>51,826.31</b>	<b>0.00</b>	<b>87,942.69</b>	<b>37.08</b>
4204-4300 Materials/Supplies/Other						
4204-4303 Utilities	142,755.00	43,976.23	43,976.23	0.00	98,778.77	30.81
4204-4309 Maintenance Materials	43,500.00	19,932.79	19,932.79	0.00	23,567.21	45.82
4204-4321 Building Sfty/Security	6,000.00	1,513.58	1,513.58	0.00	4,486.42	25.23
4204-4390 Communications Equipment Chrgs	5,444.00	2,270.00	2,270.00	0.00	3,174.00	41.70
4204-4394 Building Maintenance Charges	667.00	280.00	280.00	0.00	387.00	41.98
4204-4395 Equip Replacement Charges	15,071.00	6,279.60	6,279.60	0.00	8,791.40	41.67
4204-4396 Insurance User Charges	81,237.00	33,850.00	33,850.00	0.00	47,387.00	41.67
<b>Total Materials/Supplies/Other</b>	<b>294,674.00</b>	<b>108,102.20</b>	<b>108,102.20</b>	<b>0.00</b>	<b>186,571.80</b>	<b>36.69</b>
4204-4900 Depreciation						
4204-4901 Depreciation/Mach/Equipment	0.00	0.00	0.00	0.00	0.00	0.00
<b>Total Depreciation</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>

**Expenditure Status Report**

CITY OF HERMOSA BEACH  
 7/1/2018 through 11/30/2018

001 General Fund

4204 Building Maintenance

<u>Account Number</u>	<u>Adjusted Appropriation</u>	<u>Expenditures</u>	<u>Year-to-date Expenditures</u>	<u>Year-to-date Encumbrances</u>	<u>Balance</u>	<u>Prct Used</u>
4204-5400 Equipment/Furniture						
4204-5401 Equip-Less Than \$1,000	0.00	0.00	0.00	0.00	0.00	0.00
4204-5402 Equip-More Than \$1,000	0.00	0.00	0.00	0.00	0.00	0.00
<b>Total Equipment/Furniture</b>	0.00	0.00	0.00	0.00	0.00	0.00
4204-5600 Buildings/Improvements						
4204-5601 Buildings	0.00	0.00	0.00	0.00	0.00	0.00
4204-5602 Imprvmnts Other Than Bldgs	0.00	0.00	0.00	0.00	0.00	0.00
<b>Total Buildings/Improvements</b>	0.00	0.00	0.00	0.00	0.00	0.00
<b>Total Building Maintenance</b>	911,076.00	322,760.37	322,760.37	0.00	588,315.63	35.43

**Expenditure Status Report**

CITY OF HERMOSA BEACH  
 7/1/2018 through 11/30/2018

001 General Fund

4210 Systemic Safety Analysis Report Program

<u>Account Number</u>	<u>Adjusted Appropriation</u>	<u>Expenditures</u>	<u>Year-to-date Expenditures</u>	<u>Year-to-date Encumbrances</u>	<u>Balance</u>	<u>Prct Used</u>
4210-4200 Contract Services						
4210-4201 Contract Serv/Private	9,350.00	0.00	0.00	0.00	9,350.00	0.00
<b>Total Systemic Safety Analysis Report Program</b>	<b>9,350.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>9,350.00</b>	<b>0.00</b>



**Expenditure Status Report**

CITY OF HERMOSA BEACH  
 7/1/2018 through 11/30/2018

**001 General Fund**

**4601 Community Resources**

<u>Account Number</u>	<u>Adjusted Appropriation</u>	<u>Expenditures</u>	<u>Year-to-date Expenditures</u>	<u>Year-to-date Encumbrances</u>	<u>Balance</u>	<u>Prct Used</u>
4601-4100 Personal Services						
4601-4102 Regular Salaries	332,642.00	130,123.00	130,123.00	0.00	202,519.00	39.12
4601-4106 Regular Overtime	5,007.00	3,481.81	3,481.81	0.00	1,525.19	69.54
4601-4111 Accrual Cash In	9,209.00	765.94	765.94	0.00	8,443.06	8.32
4601-4112 Part Time/Temporary	310,294.00	131,498.32	131,498.32	0.00	178,795.68	42.38
4601-4180 Retirement	105,564.00	27,112.47	27,112.47	0.00	78,451.53	25.68
4601-4185 Alternative Retirement System-Parttime	1,300.00	702.60	702.60	0.00	597.40	54.05
4601-4188 Employee Benefits	48,989.00	23,933.13	23,933.13	0.00	25,055.87	48.85
4601-4189 Medicare Benefits	5,106.00	4,391.89	4,391.89	0.00	714.11	86.01
4601-4190 Other Post Employment Benefits (OPEB)	16,353.00	6,813.75	6,813.75	0.00	9,539.25	41.67
<b>Total Personal Services</b>	<b>834,464.00</b>	<b>328,822.91</b>	<b>328,822.91</b>	<b>0.00</b>	<b>505,641.09</b>	<b>39.41</b>
4601-4200 Contract Services						
4601-4201 Contract Serv/Private	92,000.00	43,529.55	43,529.55	0.00	48,470.45	47.31
4601-4221 Contract Rec Classes/Programs	285,000.00	143,713.44	143,713.44	0.00	141,286.56	50.43
<b>Total Contract Services</b>	<b>377,000.00</b>	<b>187,242.99</b>	<b>187,242.99</b>	<b>0.00</b>	<b>189,757.01</b>	<b>49.67</b>
4601-4300 Materials/Supplies/Other						
4601-4302 Advertising	16,800.00	3,225.87	3,225.87	0.00	13,574.13	19.20
4601-4304 Telephone	5,000.00	1,154.17	1,154.17	0.00	3,845.83	23.08
4601-4305 Office Oper Supplies	13,000.00	5,057.15	5,057.15	0.00	7,942.85	38.90
4601-4308 Program Materials	20,000.00	4,038.79	4,038.79	0.00	15,961.21	20.19
4601-4309 Maintenance Materials	0.00	0.00	0.00	0.00	0.00	0.00
4601-4315 Membership	2,850.00	931.22	931.22	0.00	1,918.78	32.67
4601-4317 Conference/Training	15,000.00	2,383.01	2,383.01	0.00	12,616.99	15.89
4601-4328 Hermosa Senior Center Programs	6,000.00	1,264.40	1,264.40	0.00	4,735.60	21.07
4601-4390 Communications Equipment Chrgs	33,551.00	13,980.00	13,980.00	0.00	19,571.00	41.67
4601-4394 Building Maintenance Charges	35,237.00	14,680.00	14,680.00	0.00	20,557.00	41.66
4601-4395 Equip Replacement Charges	19,740.00	8,225.00	8,225.00	0.00	11,515.00	41.67
4601-4396 Insurance User Charges	56,120.00	23,385.00	23,385.00	0.00	32,735.00	41.67
<b>Total Materials/Supplies/Other</b>	<b>223,298.00</b>	<b>78,324.61</b>	<b>78,324.61</b>	<b>0.00</b>	<b>144,973.39</b>	<b>35.08</b>

**Expenditure Status Report**

CITY OF HERMOSA BEACH  
 7/1/2018 through 11/30/2018

001 General Fund

4601 Community Resources

<u>Account Number</u>	<u>Adjusted Appropriation</u>	<u>Expenditures</u>	<u>Year-to-date Expenditures</u>	<u>Year-to-date Encumbrances</u>	<u>Balance</u>	<u>Prct Used</u>
4601-4900 Depreciation						
4601-4901 Depreciation/Mach/Equipment	0.00	0.00	0.00	0.00	0.00	0.00
4601-4904 Depreciation/Improvements	0.00	0.00	0.00	0.00	0.00	0.00
<b>Total Depreciation</b>	0.00	0.00	0.00	0.00	0.00	0.00
4601-5400 Equipment/Furniture						
4601-5401 Equip-Less Than \$1,000	0.00	0.00	0.00	0.00	0.00	0.00
4601-5402 Equip-More Than \$1,000	0.00	0.00	0.00	0.00	0.00	0.00
<b>Total Equipment/Furniture</b>	0.00	0.00	0.00	0.00	0.00	0.00
4601-5600 Buildings/Improvements						
4601-5601 Buildings	0.00	0.00	0.00	0.00	0.00	0.00
4601-5602 Imprvmnts Other Than Bldg	0.00	0.00	0.00	0.00	0.00	0.00
<b>Total Buildings/Improvements</b>	0.00	0.00	0.00	0.00	0.00	0.00
<b>Total Community Resources</b>	1,434,762.00	594,390.51	594,390.51	0.00	840,371.49	41.43

Expenditure Status Report

CITY OF HERMOSA BEACH  
 7/1/2018 through 11/30/2018

001 General Fund

6101 Parks

<u>Account Number</u>	<u>Adjusted Appropriation</u>	<u>Expenditures</u>	<u>Year-to-date Expenditures</u>	<u>Year-to-date Encumbrances</u>	<u>Balance</u>	<u>Prct Used</u>
6101-4100 Personal Services						
6101-4102 Regular Salaries	320,676.00	130,388.11	130,388.11	0.00	190,287.89	40.66
6101-4106 Regular Overtime	4,500.00	2,025.00	2,025.00	0.00	2,475.00	45.00
6101-4111 Accrual Cash In	17,188.00	13,837.61	13,837.61	0.00	3,350.39	80.51
6101-4180 Retirement	58,235.00	12,979.19	12,979.19	0.00	45,255.81	22.29
6101-4187 Uniform Allowance	480.00	200.00	200.00	0.00	280.00	41.67
6101-4188 Employee Benefits	70,726.00	31,605.12	31,605.12	0.00	39,120.88	44.69
6101-4189 Medicare Benefits	4,699.00	2,151.04	2,151.04	0.00	2,547.96	45.78
6101-4190 Other Post Employment Benefits (OPEB)	22,986.00	9,577.50	9,577.50	0.00	13,408.50	41.67
<b>Total Personal Services</b>	<b>499,490.00</b>	<b>202,763.57</b>	<b>202,763.57</b>	<b>0.00</b>	<b>296,726.43</b>	<b>40.59</b>
6101-4200 Contract Services						
6101-4201 Contract Serv/Private	260,512.00	83,479.59	83,479.59	0.00	177,032.41	32.04
6101-4251 Contract Service/Govt	198.00	0.00	0.00	0.00	198.00	0.00
<b>Total Contract Services</b>	<b>260,710.00</b>	<b>83,479.59</b>	<b>83,479.59</b>	<b>0.00</b>	<b>177,230.41</b>	<b>32.02</b>
6101-4300 Materials/Supplies/Other						
6101-4303 Utilities	263,108.00	109,426.77	109,426.77	0.00	153,681.23	41.59
6101-4304 Telephone	0.00	0.00	0.00	0.00	0.00	0.00
6101-4309 Maintenance Materials	25,938.00	14,833.19	14,833.19	0.00	11,104.81	57.19
6101-4394 Building Maintenance Charges	21,867.00	9,110.00	9,110.00	0.00	12,757.00	41.66
6101-4395 Equip Replacement Chrgs	28,633.00	11,930.40	11,930.40	0.00	16,702.60	41.67
6101-4396 Insurance User Charges	109,542.00	45,645.00	45,645.00	0.00	63,897.00	41.67
<b>Total Materials/Supplies/Other</b>	<b>449,088.00</b>	<b>190,945.36</b>	<b>190,945.36</b>	<b>0.00</b>	<b>258,142.64</b>	<b>42.52</b>
6101-4900 Depreciation						
6101-4901 Depreciation/Mach/Equipment	0.00	0.00	0.00	0.00	0.00	0.00
<b>Total Depreciation</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>
6101-5400 Equipment/Furniture						

Expenditure Status Report

CITY OF HERMOSA BEACH  
 7/1/2018 through 11/30/2018

001 General Fund

6101 Parks

<i>Account Number</i>	<i>Adjusted Appropriation</i>	<i>Expenditures</i>	<i>Year-to-date Expenditures</i>	<i>Year-to-date Encumbrances</i>	<i>Balance</i>	<i>Prct Used</i>
6101-5401 Equip-Less Than \$1,000	0.00	0.00	0.00	0.00	0.00	0.00
6101-5402 Equip-More Than \$1,000	0.00	-1,313.68	-1,313.68	0.00	1,313.68	0.00
6101-5499 Non-Capitalized Assets	0.00	0.00	0.00	0.00	0.00	0.00
<b>Total Equipment/Furniture</b>	0.00	-1,313.68	-1,313.68	0.00	1,313.68	0.00
6101-5600 Buildings/Improvements						
6101-5602 Imprvmnts Other Than Bldgs	0.00	0.00	0.00	0.00	0.00	0.00
<b>Total Buildings/Improvements</b>	0.00	0.00	0.00	0.00	0.00	0.00
<b>Total Parks</b>	1,209,288.00	475,874.84	475,874.84	0.00	733,413.16	39.35

**Expenditure Status Report**

CITY OF HERMOSA BEACH  
 7/1/2018 through 11/30/2018

001 General Fund

7301 Community Choice Aggregation

<u>Account Number</u>	<u>Adjusted Appropriation</u>	<u>Expenditures</u>	<u>Year-to-date Expenditures</u>	<u>Year-to-date Encumbrances</u>	<u>Balance</u>	<u>Prct Used</u>
7301-4200 Contract Services						
7301-4201 Contract Serv/Private	0.00	0.00	0.00	0.00	0.00	0.00
<b>Total Community Choice Aggregation</b>	0.00	0.00	0.00	0.00	0.00	0.00

**Expenditure Status Report**

CITY OF HERMOSA BEACH  
 7/1/2018 through 11/30/2018

001 General Fund

8143 PCH Mobility Improvement Project

<u>Account Number</u>	<u>Adjusted Appropriation</u>	<u>Expenditures</u>	<u>Year-to-date Expenditures</u>	<u>Year-to-date Encumbrances</u>	<u>Balance</u>	<u>Prct Used</u>
8143-4200 Contract Services						
8143-4201 Contract Serv/Private	94,454.00	0.00	0.00	0.00	94,454.00	0.00
<b>Total PCH Mobility Improvement Project</b>	<b>94,454.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>94,454.00</b>	<b>0.00</b>

**Expenditure Status Report**

CITY OF HERMOSA BEACH  
 7/1/2018 through 11/30/2018

001 General Fund

8163 Protective Bollards Along the Strand

<u>Account Number</u>	<u>Adjusted Appropriation</u>	<u>Expenditures</u>	<u>Year-to-date Expenditures</u>	<u>Year-to-date Encumbrances</u>	<u>Balance</u>	<u>Prct Used</u>
8163-4200 Contract Services						
8163-4201 Contract Serv/Private	0.00	0.00	0.00	0.00	0.00	0.00
<b>Total Protective Bollards Along the Strand</b>	0.00	0.00	0.00	0.00	0.00	0.00

**Expenditure Status Report**

CITY OF HERMOSA BEACH  
 7/1/2018 through 11/30/2018

001 General Fund

8168 Valley Drive Sharrows

<u>Account Number</u>	<u>Adjusted Appropriation</u>	<u>Expenditures</u>	<u>Year-to-date Expenditures</u>	<u>Year-to-date Encumbrances</u>	<u>Balance</u>	<u>Prct Used</u>
8168-4200 Contract Services						
8168-4201 Contract Serv/Private	0.00	0.00	0.00	0.00	0.00	0.00
<b>Total Valley Drive Sharrows</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>



**Expenditure Status Report**

CITY OF HERMOSA BEACH  
 7/1/2018 through 11/30/2018

001 General Fund

8173 8th Street Improvements

<u>Account Number</u>	<u>Adjusted Appropriation</u>	<u>Expenditures</u>	<u>Year-to-date Expenditures</u>	<u>Year-to-date Encumbrances</u>	<u>Balance</u>	<u>Prct Used</u>
8173-4200 Contract Services						
8173-4201 Contract Serv/Private	0.00	0.00	0.00	0.00	0.00	0.00
<b>Total 8th Street Improvements</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>

**Expenditure Status Report**

CITY OF HERMOSA BEACH  
 7/1/2018 through 11/30/2018

001 General Fund

8174 Street Improvements- Various Locations

<u>Account Number</u>	<u>Adjusted Appropriation</u>	<u>Expenditures</u>	<u>Year-to-date Expenditures</u>	<u>Year-to-date Encumbrances</u>	<u>Balance</u>	<u>Prct Used</u>
8174-4100 Personal Services						
8174-4102 Regular Salaries	0.00	0.00	0.00	0.00	0.00	0.00
8174-4106 Regular Overtime	0.00	0.00	0.00	0.00	0.00	0.00
8174-4112 Part Time Temporary	0.00	0.00	0.00	0.00	0.00	0.00
8174-4180 Retirement	0.00	0.00	0.00	0.00	0.00	0.00
8174-4189 Medicare Benefits	0.00	0.00	0.00	0.00	0.00	0.00
<b>Total Personal Services</b>	0.00	0.00	0.00	0.00	0.00	0.00
8174-4200 Contract Services						
8174-4201 Contract Serv/Private	0.00	0.00	0.00	0.00	0.00	0.00
<b>Total Street Improvements- Various Locations</b>	0.00	0.00	0.00	0.00	0.00	0.00

**Expenditure Status Report**

CITY OF HERMOSA BEACH  
 7/1/2018 through 11/30/2018

001 General Fund

8186 Street Improvement Various Locations

<u>Account Number</u>	<u>Adjusted Appropriation</u>	<u>Expenditures</u>	<u>Year-to-date Expenditures</u>	<u>Year-to-date Encumbrances</u>	<u>Balance</u>	<u>Prct Used</u>
8186-4200 Contract Services						
8186-4201 Contract Serv/Private	0.00	0.00	0.00	0.00	0.00	0.00
<b>Total Street Improvement Various Locations</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>

**Expenditure Status Report**

CITY OF HERMOSA BEACH  
 7/1/2018 through 11/30/2018

001 General Fund

8537 South Park Phase I Improvements

<u>Account Number</u>	<u>Adjusted Appropriation</u>	<u>Expenditures</u>	<u>Year-to-date Expenditures</u>	<u>Year-to-date Encumbrances</u>	<u>Balance</u>	<u>Prct Used</u>
8537-4200 Contract Services						
8537-4201 Contract Serv/Private	0.00	0.00	0.00	0.00	0.00	0.00
<b>Total South Park Phase I Improvements</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>

**Expenditure Status Report**

CITY OF HERMOSA BEACH  
 7/1/2018 through 11/30/2018

001 General Fund

8538 Citywide Park Master Plan

<u>Account Number</u>	<u>Adjusted Appropriation</u>	<u>Expenditures</u>	<u>Year-to-date Expenditures</u>	<u>Year-to-date Encumbrances</u>	<u>Balance</u>	<u>Prct Used</u>
8538-4200 Contract Services						
8538-4201 Contract Serv/Private	42,065.00	0.00	0.00	0.00	42,065.00	0.00
<b>Total Citywide Park Master Plan</b>	<b>42,065.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>42,065.00</b>	<b>0.00</b>

**Expenditure Status Report**

CITY OF HERMOSA BEACH  
 7/1/2018 through 11/30/2018

001 General Fund

8540 South Park Phase II

<u>Account Number</u>	<u>Adjusted Appropriation</u>	<u>Expenditures</u>	<u>Year-to-date Expenditures</u>	<u>Year-to-date Encumbrances</u>	<u>Balance</u>	<u>Prct Used</u>
8540-4200 Contract Services						
8540-4201 Contract Serv/Private	0.00	0.00	0.00	0.00	0.00	0.00
<b>Total South Park Phase II</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>

**Expenditure Status Report**

CITY OF HERMOSA BEACH  
 7/1/2018 through 11/30/2018

001 General Fund

8606 Fire Station Renovation & Upgrades

<u>Account Number</u>	<u>Adjusted Appropriation</u>	<u>Expenditures</u>	<u>Year-to-date Expenditures</u>	<u>Year-to-date Encumbrances</u>	<u>Balance</u>	<u>Prct Used</u>
8606-4200 Contract Services						
8606-4201 Contract Serv/Private	0.00	0.00	0.00	0.00	0.00	0.00
<b>Total Fire Station Renovation &amp; Upgrades</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>

**Expenditure Status Report**

CITY OF HERMOSA BEACH  
 7/1/2018 through 11/30/2018

001 General Fund

8609 Downtown Strategic Plan Implementation

<u>Account Number</u>	<u>Adjusted Appropriation</u>	<u>Expenditures</u>	<u>Year-to-date Expenditures</u>	<u>Year-to-date Encumbrances</u>	<u>Balance</u>	<u>Prct Used</u>
8609-4200 Contract Services						
8609-4201 Contract Serv/Private	103,610.00	0.00	0.00	0.00	103,610.00	0.00
<b>Total Downtown Strategic Plan Implementation</b>	103,610.00	0.00	0.00	0.00	103,610.00	0.00



**Expenditure Status Report**

CITY OF HERMOSA BEACH  
 7/1/2018 through 11/30/2018

001 General Fund

8614 Police Facilities Improvements

<u>Account Number</u>	<u>Adjusted Appropriation</u>	<u>Expenditures</u>	<u>Year-to-date Expenditures</u>	<u>Year-to-date Encumbrances</u>	<u>Balance</u>	<u>Prct Used</u>
8614-4200 Contract Services						
8614-4201 Contract Serv/Private	2,972.00	902.80	902.80	0.00	2,069.20	30.38
<b>Total Police Facilities Improvements</b>	<b>2,972.00</b>	<b>902.80</b>	<b>902.80</b>	<b>0.00</b>	<b>2,069.20</b>	<b>30.38</b>

**Expenditure Status Report**

CITY OF HERMOSA BEACH  
 7/1/2018 through 11/30/2018

001 General Fund

8615 New Corporate Yard Facility

<u>Account Number</u>	<u>Adjusted Appropriation</u>	<u>Expenditures</u>	<u>Year-to-date Expenditures</u>	<u>Year-to-date Encumbrances</u>	<u>Balance</u>	<u>Prct Used</u>
8615-4200 Contract Services						
8615-4201 Contract Serv/Private	56,102.00	1,181.25	1,181.25	0.00	54,920.75	2.11
<b>Total New Corporate Yard Facility</b>	<b>56,102.00</b>	<b>1,181.25</b>	<b>1,181.25</b>	<b>0.00</b>	<b>54,920.75</b>	<b>2.11</b>

**Expenditure Status Report**

CITY OF HERMOSA BEACH  
 7/1/2018 through 11/30/2018

001 General Fund

8632 Fire Department Tower Demolition

<u>Account Number</u>	<u>Adjusted Appropriation</u>	<u>Expenditures</u>	<u>Year-to-date Expenditures</u>	<u>Year-to-date Encumbrances</u>	<u>Balance</u>	<u>Prct Used</u>
8632-4200 Contract Services						
8632-4201 Contract Serv/Private	0.00	0.00	0.00	0.00	0.00	0.00
<b>Total Fire Department Tower Demolition</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>

**Expenditure Status Report**

CITY OF HERMOSA BEACH  
 7/1/2018 through 11/30/2018

001 General Fund

8634 Municipal Solar Facility Plan/Install

<u>Account Number</u>	<u>Adjusted Appropriation</u>	<u>Expenditures</u>	<u>Year-to-date Expenditures</u>	<u>Year-to-date Encumbrances</u>	<u>Balance</u>	<u>Prct Used</u>
8634-4200 Contract Services						
8634-4201 Contract Serv/Private	0.00	0.00	0.00	0.00	0.00	0.00
<b>Total Municipal Solar Facility Plan/Install</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>

**Expenditure Status Report**

CITY OF HERMOSA BEACH  
 7/1/2018 through 11/30/2018

001 General Fund

8650 Community Center Gen Improvement Phase 3

<u>Account Number</u>	<u>Adjusted Appropriation</u>	<u>Expenditures</u>	<u>Year-to-date Expenditures</u>	<u>Year-to-date Encumbrances</u>	<u>Balance</u>	<u>Prct Used</u>
8650-4200 Contract Services						
8650-4201 Contract Serv/Private	261,640.00	1,250.00	1,250.00	0.00	260,390.00	0.48
<b>Total Community Center Gen Improvement Phase 3</b>	<b>261,640.00</b>	<b>1,250.00</b>	<b>1,250.00</b>	<b>0.00</b>	<b>260,390.00</b>	<b>0.48</b>

**Expenditure Status Report**

CITY OF HERMOSA BEACH  
 7/1/2018 through 11/30/2018

001 General Fund

8656 Citywide Energy Conservation Upgrades

<u>Account Number</u>	<u>Adjusted Appropriation</u>	<u>Expenditures</u>	<u>Year-to-date Expenditures</u>	<u>Year-to-date Encumbrances</u>	<u>Balance</u>	<u>Prct Used</u>
8656-4200 Contract Services						
8656-4201 Contract Serv/Private	0.00	0.00	0.00	0.00	0.00	0.00
<b>Total Citywide Energy Conservation Upgrades</b>	0.00	0.00	0.00	0.00	0.00	0.00

**Expenditure Status Report**

CITY OF HERMOSA BEACH  
 7/1/2018 through 11/30/2018

001 General Fund

8664 City Fac. Condition Assessm.& Asbesto Rp

<u>Account Number</u>	<u>Adjusted Appropriation</u>	<u>Expenditures</u>	<u>Year-to-date Expenditures</u>	<u>Year-to-date Encumbrances</u>	<u>Balance</u>	<u>Prct Used</u>
8664-4200 Contract Services						
8664-4201 Contract Serv/Private	0.00	0.00	0.00	0.00	0.00	0.00
<b>Total</b> City Fac. Condition Assessm.& Asbesto Rp	0.00	0.00	0.00	0.00	0.00	0.00

**Expenditure Status Report**

CITY OF HERMOSA BEACH  
 7/1/2018 through 11/30/2018

001 General Fund

8667 Community Center, Plaza, and Park Improv

<u>Account Number</u>	<u>Adjusted Appropriation</u>	<u>Expenditures</u>	<u>Year-to-date Expenditures</u>	<u>Year-to-date Encumbrances</u>	<u>Balance</u>	<u>Prct Used</u>
8667-4200 Contract Services						
8667-4201 Contract Serv/Private	0.00	0.00	0.00	0.00	0.00	0.00
<b>Total Community Center, Plaza, and Park Improv</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>



**Expenditure Status Report**

CITY OF HERMOSA BEACH  
 7/1/2018 through 11/30/2018

001 General Fund

8672 Council Chambers Improvements

<u>Account Number</u>	<u>Adjusted Appropriation</u>	<u>Expenditures</u>	<u>Year-to-date Expenditures</u>	<u>Year-to-date Encumbrances</u>	<u>Balance</u>	<u>Prct Used</u>
8672-4200 Contract Services						
8672-4201 Contract Serv/Private	106,209.00	0.00	0.00	0.00	106,209.00	0.00
<b>Total Council Chambers Improvements</b>	106,209.00	0.00	0.00	0.00	106,209.00	0.00

**Expenditure Status Report**

CITY OF HERMOSA BEACH  
 7/1/2018 through 11/30/2018

001 General Fund

8674 Police Dept Substation Facility Improvem

<u>Account Number</u>	<u>Adjusted Appropriation</u>	<u>Expenditures</u>	<u>Year-to-date Expenditures</u>	<u>Year-to-date Encumbrances</u>	<u>Balance</u>	<u>Prct Used</u>
8674-4200 Contract Services						
8674-4201 Contract Serv/Private	5,755.00	902.81	902.81	0.00	4,852.19	15.69
<b>Total</b> Police Dept Substation Facility Improvem	5,755.00	902.81	902.81	0.00	4,852.19	15.69
<b>Total</b> General Fund	41,276,717.00	15,640,833.23	15,640,833.23	0.00	25,635,883.77	37.89

**Expenditure Status Report**

CITY OF HERMOSA BEACH  
 7/1/2018 through 11/30/2018

105 Lightg/Landscapg Dist Fund

1299 Interfund Transfers Out

<u>Account Number</u>	<u>Adjusted Appropriation</u>	<u>Expenditures</u>	<u>Year-to-date Expenditures</u>	<u>Year-to-date Encumbrances</u>	<u>Balance</u>	<u>Prct Used</u>
1299-4300 Materials/Supplies/Other						
1299-4399 Operating Transfers Out	11,054.00	4,605.00	4,605.00	0.00	6,449.00	41.66
<b>Total Interfund Transfers Out</b>	<b>11,054.00</b>	<b>4,605.00</b>	<b>4,605.00</b>	<b>0.00</b>	<b>6,449.00</b>	<b>41.66</b>

Expenditure Status Report

CITY OF HERMOSA BEACH  
 7/1/2018 through 11/30/2018

105 Lightg/Landscapg Dist Fund

2601 Lighting/Landscaping/Medians

<u>Account Number</u>	<u>Adjusted Appropriation</u>	<u>Expenditures</u>	<u>Year-to-date Expenditures</u>	<u>Year-to-date Encumbrances</u>	<u>Balance</u>	<u>Prct Used</u>
2601-4100 Personal Services						
2601-4102 Regular Salaries	113,688.00	39,374.14	39,374.14	0.00	74,313.86	34.63
2601-4106 Regular Overtime	3,000.00	2,840.08	2,840.08	0.00	159.92	94.67
2601-4111 Accrual Cash In	6,244.00	2,670.92	2,670.92	0.00	3,573.08	42.78
2601-4112 Part Time/Temporary	0.00	0.00	0.00	0.00	0.00	0.00
2601-4180 Retirement	37,577.00	5,113.32	5,113.32	0.00	32,463.68	13.61
2601-4188 Employee Benefits	31,067.00	10,004.09	10,004.09	0.00	21,062.91	32.20
2601-4189 Medicare Benefits	1,658.00	656.54	656.54	0.00	1,001.46	39.60
2601-4190 Other Post Employment Benefits (OPEB)	8,605.00	3,585.40	3,585.40	0.00	5,019.60	41.67
<b>Total Personal Services</b>	<b>201,839.00</b>	<b>64,244.49</b>	<b>64,244.49</b>	<b>0.00</b>	<b>137,594.51</b>	<b>31.83</b>
2601-4200 Contract Services						
2601-4201 Contract Serv/Private	51,200.00	14,800.00	14,800.00	0.00	36,400.00	28.91
2601-4251 Contract Service/Govt	18,493.00	18,055.59	18,055.59	0.00	437.41	97.63
<b>Total Contract Services</b>	<b>69,693.00</b>	<b>32,855.59</b>	<b>32,855.59</b>	<b>0.00</b>	<b>36,837.41</b>	<b>47.14</b>
2601-4300 Materials/Supplies/Other						
2601-4303 Utilities	244,574.00	70,138.07	70,138.07	0.00	174,435.93	28.68
2601-4309 Maintenance Materials	29,100.00	8,239.16	8,239.16	0.00	20,860.84	28.31
2601-4326 Prior Yr Expense	0.00	0.00	0.00	0.00	0.00	0.00
2601-4394 Building Maintenance Charges	667.00	280.00	280.00	0.00	387.00	41.98
2601-4395 Equip Replacement Charges	47,542.00	19,809.15	19,809.15	0.00	27,732.85	41.67
2601-4396 Insurance User Charges	73,475.00	30,615.00	30,615.00	0.00	42,860.00	41.67
<b>Total Materials/Supplies/Other</b>	<b>395,358.00</b>	<b>129,081.38</b>	<b>129,081.38</b>	<b>0.00</b>	<b>266,276.62</b>	<b>32.65</b>
<b>Total Lighting/Landscaping/Medians</b>	<b>666,890.00</b>	<b>226,181.46</b>	<b>226,181.46</b>	<b>0.00</b>	<b>440,708.54</b>	<b>33.92</b>
<b>Total Lightg/Landscapg Dist Fund</b>	<b>677,944.00</b>	<b>230,786.46</b>	<b>230,786.46</b>	<b>0.00</b>	<b>447,157.54</b>	<b>34.04</b>

**Expenditure Status Report**

CITY OF HERMOSA BEACH  
 7/1/2018 through 11/30/2018

115 State Gas Tax Fund

1299 Interfund Transfers Out

<u>Account Number</u>	<u>Adjusted Appropriation</u>	<u>Expenditures</u>	<u>Year-to-date Expenditures</u>	<u>Year-to-date Encumbrances</u>	<u>Balance</u>	<u>Prct Used</u>
1299-4300 Materials/Supplies/Other						
1299-4399 Operating Transfers Out	489,707.00	204,045.00	204,045.00	0.00	285,662.00	41.67
<b>Total Interfund Transfers Out</b>	<b>489,707.00</b>	<b>204,045.00</b>	<b>204,045.00</b>	<b>0.00</b>	<b>285,662.00</b>	<b>41.67</b>

**Expenditure Status Report**

CITY OF HERMOSA BEACH  
 7/1/2018 through 11/30/2018

115 State Gas Tax Fund

3104 Street Maint/Traffic Safety

<u>Account Number</u>	<u>Adjusted Appropriation</u>	<u>Expenditures</u>	<u>Year-to-date Expenditures</u>	<u>Year-to-date Encumbrances</u>	<u>Balance</u>	<u>Prct Used</u>
3104-4300 Materials/Supplies/Other						
3104-4309 Maintenance Materials	0.00	0.00	0.00	0.00	0.00	0.00
<b>Total</b> Materials/Supplies/Other	0.00	0.00	0.00	0.00	0.00	0.00
3104-5400 Equipment/Furniture						
3104-5402 Equip-More Than \$1,000	0.00	0.00	0.00	0.00	0.00	0.00
3104-5405 Equipment more than \$5,000	0.00	0.00	0.00	0.00	0.00	0.00
<b>Total</b> Street Maint/Traffic Safety	0.00	0.00	0.00	0.00	0.00	0.00

**Expenditure Status Report**

CITY OF HERMOSA BEACH  
 7/1/2018 through 11/30/2018

115 State Gas Tax Fund

8143 PCH Mobility Improvement Project

<u>Account Number</u>	<u>Adjusted Appropriation</u>	<u>Expenditures</u>	<u>Year-to-date Expenditures</u>	<u>Year-to-date Encumbrances</u>	<u>Balance</u>	<u>Prct Used</u>
8143-4200 Contract Services						
8143-4201 Contract Serv/Private	34,581.00	0.00	0.00	0.00	34,581.00	0.00
<b>Total PCH Mobility Improvement Project</b>	<b>34,581.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>34,581.00</b>	<b>0.00</b>

**Expenditure Status Report**

CITY OF HERMOSA BEACH  
 7/1/2018 through 11/30/2018

115 State Gas Tax Fund

8173 8th Street Improvements

<u>Account Number</u>	<u>Adjusted Appropriation</u>	<u>Expenditures</u>	<u>Year-to-date Expenditures</u>	<u>Year-to-date Encumbrances</u>	<u>Balance</u>	<u>Prct Used</u>
8173-4200 Contract Services						
8173-4201 Contract Serv/Private	325,744.00	22,310.75	22,310.75	0.00	303,433.25	6.85
<b>Total 8th Street Improvements</b>	<b>325,744.00</b>	<b>22,310.75</b>	<b>22,310.75</b>	<b>0.00</b>	<b>303,433.25</b>	<b>6.85</b>



**Expenditure Status Report**

CITY OF HERMOSA BEACH  
 7/1/2018 through 11/30/2018

115 State Gas Tax Fund

8174 Street Improvements Various Locations

<u>Account Number</u>	<u>Adjusted Appropriation</u>	<u>Expenditures</u>	<u>Year-to-date Expenditures</u>	<u>Year-to-date Encumbrances</u>	<u>Balance</u>	<u>Prct Used</u>
8174-4200 Contract Services						
8174-4201 Contract Serv/Private	144,021.00	125,083.75	125,083.75	0.00	18,937.25	86.85
<b>Total</b> Street Improvements Various Locations	144,021.00	125,083.75	125,083.75	0.00	18,937.25	86.85

**Expenditure Status Report**

CITY OF HERMOSA BEACH  
 7/1/2018 through 11/30/2018

115 State Gas Tax Fund

8186 Street Improvement Various Locations

<u>Account Number</u>	<u>Adjusted Appropriation</u>	<u>Expenditures</u>	<u>Year-to-date Expenditures</u>	<u>Year-to-date Encumbrances</u>	<u>Balance</u>	<u>Prct Used</u>
8186-4200 Contract Services						
8186-4201 Contract Serv/Private	144,995.00	0.00	0.00	0.00	144,995.00	0.00
<b>Total</b> Street Improvement Various Locations	144,995.00	0.00	0.00	0.00	144,995.00	0.00
<b>Total</b> State Gas Tax Fund	1,139,048.00	351,439.50	351,439.50	0.00	787,608.50	30.85

**Expenditure Status Report**

CITY OF HERMOSA BEACH  
 7/1/2018 through 11/30/2018

117 AB939 Fund

5301 Source Redctn/Recycle Element

<u>Account Number</u>	<u>Adjusted Appropriation</u>	<u>Expenditures</u>	<u>Year-to-date Expenditures</u>	<u>Year-to-date Encumbrances</u>	<u>Balance</u>	<u>Prct Used</u>
5301-4100 Personal Services						
5301-4102 Regular Salaries	10,419.00	4,258.50	4,258.50	0.00	6,160.50	40.87
5301-4106 Regular Overtime	0.00	0.00	0.00	0.00	0.00	0.00
5301-4111 Accrual Cash In	1,587.00	0.00	0.00	0.00	1,587.00	0.00
5301-4112 Part Time Temporary	0.00	0.00	0.00	0.00	0.00	0.00
5301-4180 Retirement	720.00	282.90	282.90	0.00	437.10	39.29
5301-4188 Employee Benefits	935.00	386.94	386.94	0.00	548.06	41.38
5301-4189 Medicare Benefits	163.00	66.72	66.72	0.00	96.28	40.93
5301-4190 Other Post Employment Benefits/OPEB	0.00	0.00	0.00	0.00	0.00	0.00
<b>Total Personal Services</b>	<b>13,824.00</b>	<b>4,995.06</b>	<b>4,995.06</b>	<b>0.00</b>	<b>8,828.94</b>	<b>36.13</b>
5301-4200 Contract Services						
5301-4201 Contract Serv/Private	19,500.00	0.00	0.00	0.00	19,500.00	0.00
<b>Total Contract Services</b>	<b>19,500.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>19,500.00</b>	<b>0.00</b>
5301-4300 Materials/Supplies/Other						
5301-4315 Membership	2,350.00	2,339.29	2,339.29	0.00	10.71	99.54
5301-4317 Conference/Training	0.00	0.00	0.00	0.00	0.00	0.00
<b>Total Materials/Supplies/Other</b>	<b>2,350.00</b>	<b>2,339.29</b>	<b>2,339.29</b>	<b>0.00</b>	<b>10.71</b>	<b>99.54</b>
<b>Total AB939 Fund</b>	<b>35,674.00</b>	<b>7,334.35</b>	<b>7,334.35</b>	<b>0.00</b>	<b>28,339.65</b>	<b>20.56</b>

**Expenditure Status Report**

CITY OF HERMOSA BEACH  
 7/1/2018 through 11/30/2018

121 Prop A Open Space Fund

1299 Interfund Transfers Out

<u>Account Number</u>	<u>Adjusted Appropriation</u>	<u>Expenditures</u>	<u>Year-to-date Expenditures</u>	<u>Year-to-date Encumbrances</u>	<u>Balance</u>	<u>Prct Used</u>
1299-4300 Materials/Supplies/Other						
1299-4399 Operating Transfers Out	20,557.00	8,565.00	8,565.00	0.00	11,992.00	41.66
<b>Total</b> Materials/Supplies/Other	20,557.00	8,565.00	8,565.00	0.00	11,992.00	41.66
<b>Total</b> Prop A Open Space Fund	20,557.00	8,565.00	8,565.00	0.00	11,992.00	41.66

**Expenditure Status Report**

CITY OF HERMOSA BEACH  
 7/1/2018 through 11/30/2018

122 Tyco Fund

1299 Interfund Transfers Out

<u>Account Number</u>	<u>Adjusted Appropriation</u>	<u>Expenditures</u>	<u>Year-to-date Expenditures</u>	<u>Year-to-date Encumbrances</u>	<u>Balance</u>	<u>Prct Used</u>
1299-4300 Materials/Supplies/Other						
1299-4399 Operating Trsfr Out	210,463.00	35,078.00	35,078.00	0.00	175,385.00	16.67
<b>Total Interfund Transfers Out</b>	<b>210,463.00</b>	<b>35,078.00</b>	<b>35,078.00</b>	<b>0.00</b>	<b>175,385.00</b>	<b>16.67</b>

**Expenditure Status Report**

CITY OF HERMOSA BEACH  
 7/1/2018 through 11/30/2018

122 Tyco Fund

6101 Parks

<u>Account Number</u>	<u>Adjusted Appropriation</u>	<u>Expenditures</u>	<u>Year-to-date Expenditures</u>	<u>Year-to-date Encumbrances</u>	<u>Balance</u>	<u>Prct Used</u>
6101-5400 Equipment/Furniture						
6101-5405 Equipment more than \$5,000	0.00	0.00	0.00	0.00	0.00	0.00
<b>Total Parks</b>	0.00	0.00	0.00	0.00	0.00	0.00

**Expenditure Status Report**

CITY OF HERMOSA BEACH  
 7/1/2018 through 11/30/2018

122 Tyco Fund

8173 8th Street Improvements

<u>Account Number</u>	<u>Adjusted Appropriation</u>	<u>Expenditures</u>	<u>Year-to-date Expenditures</u>	<u>Year-to-date Encumbrances</u>	<u>Balance</u>	<u>Prct Used</u>
8173-4200 Contract Services						
8173-4201 Contract Serv/Private	67,825.00	39,506.25	39,506.25	0.00	28,318.75	58.25
<b>Total 8th Street Improvements</b>	<b>67,825.00</b>	<b>39,506.25</b>	<b>39,506.25</b>	<b>0.00</b>	<b>28,318.75</b>	<b>58.25</b>

**Expenditure Status Report**

CITY OF HERMOSA BEACH  
 7/1/2018 through 11/30/2018

122 Tyco Fund

8174 Street Improvements Various Locations

<u>Account Number</u>	<u>Adjusted Appropriation</u>	<u>Expenditures</u>	<u>Year-to-date Expenditures</u>	<u>Year-to-date Encumbrances</u>	<u>Balance</u>	<u>Prct Used</u>
8174-4200 Contract Services						
8174-4201 Contract Serv/Private	0.00	0.00	0.00	0.00	0.00	0.00
<b>Total Street Improvements Various Locations</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>



**Expenditure Status Report**

CITY OF HERMOSA BEACH  
 7/1/2018 through 11/30/2018

122 Tyco Fund

8186 Street Improvement Various Locations

<u>Account Number</u>	<u>Adjusted Appropriation</u>	<u>Expenditures</u>	<u>Year-to-date Expenditures</u>	<u>Year-to-date Encumbrances</u>	<u>Balance</u>	<u>Prct Used</u>
8186-4200 Contract Services						
8186-4201 Contract Serv/Private	0.00	0.00	0.00	0.00	0.00	0.00
<b>Total Street Improvement Various Locations</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>

**Expenditure Status Report**

CITY OF HERMOSA BEACH  
 7/1/2018 through 11/30/2018

122 Tyco Fund

8629 Municipal Pier Structural Assess/Repair

<u>Account Number</u>	<u>Adjusted Appropriation</u>	<u>Expenditures</u>	<u>Year-to-date Expenditures</u>	<u>Year-to-date Encumbrances</u>	<u>Balance</u>	<u>Prct Used</u>
8629-4200 Contract Services						
8629-4201 Contract Serv/Private	177,380.00	0.00	0.00	0.00	177,380.00	0.00
<b>Total Municipal Pier Structural Assess/Repair</b>	<b>177,380.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>177,380.00</b>	<b>0.00</b>

**Expenditure Status Report**

CITY OF HERMOSA BEACH  
 7/1/2018 through 11/30/2018

122 Tyco Fund

8631 14Th. St. Beach Restroom Rehabilitation

<u>Account Number</u>	<u>Adjusted Appropriation</u>	<u>Expenditures</u>	<u>Year-to-date Expenditures</u>	<u>Year-to-date Encumbrances</u>	<u>Balance</u>	<u>Prct Used</u>
8631-4200 Contract Services						
8631-4201 Contract Serv/Private	0.00	0.00	0.00	0.00	0.00	0.00
<b>Total 14Th. St. Beach Restroom Rehabilitation</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>

**Expenditure Status Report**

CITY OF HERMOSA BEACH  
 7/1/2018 through 11/30/2018

122 Tyco Fund

8660 Municipal Pier Structural Repairs Phase3

<u>Account Number</u>	<u>Adjusted Appropriation</u>	<u>Expenditures</u>	<u>Year-to-date Expenditures</u>	<u>Year-to-date Encumbrances</u>	<u>Balance</u>	<u>Prct Used</u>
8660-4200 Contract Services						
8660-4201 Contract Serv/Private	275,473.00	0.00	0.00	0.00	275,473.00	0.00
<b>Total Municipal Pier Structural Repairs Phase3</b>	<b>275,473.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>275,473.00</b>	<b>0.00</b>

**Expenditure Status Report**

CITY OF HERMOSA BEACH  
 7/1/2018 through 11/30/2018

122 Tyco Fund

8678 Municipal Pier Use Options & Feasibility

<u>Account Number</u>	<u>Adjusted Appropriation</u>	<u>Expenditures</u>	<u>Year-to-date Expenditures</u>	<u>Year-to-date Encumbrances</u>	<u>Balance</u>	<u>Prct Used</u>
8678-4200 Contract Services						
8678-4201 Contract Serv/Private	0.00	0.00	0.00	0.00	0.00	0.00
<b>Total Municipal Pier Use Options &amp; Feasibility</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>

**Expenditure Status Report**

CITY OF HERMOSA BEACH  
 7/1/2018 through 11/30/2018

122 Tyco Fund

8679 Pier Restroom Rehabilitation

<u>Account Number</u>	<u>Adjusted Appropriation</u>	<u>Expenditures</u>	<u>Year-to-date Expenditures</u>	<u>Year-to-date Encumbrances</u>	<u>Balance</u>	<u>Prct Used</u>
8679-4200 Contract Services						
8679-4201 Contract Serv/Private	0.00	0.00	0.00	0.00	0.00	0.00
<b>Total Pier Restroom Rehabilitation</b>	0.00	0.00	0.00	0.00	0.00	0.00
<b>Total Tyco Fund</b>	731,141.00	74,584.25	74,584.25	0.00	656,556.75	10.20

**Expenditure Status Report**

CITY OF HERMOSA BEACH  
 7/1/2018 through 11/30/2018

125 Park/Rec Facility Tax Fund

4601 Community Resources

<u>Account Number</u>	<u>Adjusted Appropriation</u>	<u>Expenditures</u>	<u>Year-to-date Expenditures</u>	<u>Year-to-date Encumbrances</u>	<u>Balance</u>	<u>Prct Used</u>
4601-4200 Contract Services						
4601-4201 Contract Serv/Private	0.00	0.00	0.00	0.00	0.00	0.00
<b>Total Community Resources</b>	0.00	0.00	0.00	0.00	0.00	0.00

**Expenditure Status Report**

CITY OF HERMOSA BEACH  
 7/1/2018 through 11/30/2018

125 Park/Rec Facility Tax Fund

6101 Parks

<u>Account Number</u>	<u>Adjusted Appropriation</u>	<u>Expenditures</u>	<u>Year-to-date Expenditures</u>	<u>Year-to-date Encumbrances</u>	<u>Balance</u>	<u>Prct Used</u>
6101-4200 Contract Services						
6101-4201 Contract Serv/Private	0.00	0.00	0.00	0.00	0.00	0.00
<b>Total Parks</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>



**Expenditure Status Report**

CITY OF HERMOSA BEACH  
 7/1/2018 through 11/30/2018

125 Park/Rec Facility Tax Fund

8538 Citywide Park Master Plan

<u>Account Number</u>	<u>Adjusted Appropriation</u>	<u>Expenditures</u>	<u>Year-to-date Expenditures</u>	<u>Year-to-date Encumbrances</u>	<u>Balance</u>	<u>Prct Used</u>
8538-4100 Personal Services						
8538-4102 Regular Salaries	0.00	0.00	0.00	0.00	0.00	0.00
8538-4111 Accrual Cash In	0.00	0.00	0.00	0.00	0.00	0.00
8538-4180 Retirement	0.00	0.00	0.00	0.00	0.00	0.00
8538-4188 Employee Benefits	0.00	0.00	0.00	0.00	0.00	0.00
8538-4189 Medicare Benefits	0.00	0.00	0.00	0.00	0.00	0.00
<b>Total Personal Services</b>	0.00	0.00	0.00	0.00	0.00	0.00
8538-4200 Contract Services						
8538-4201 Contract Serv/Private	173,410.00	0.00	0.00	0.00	173,410.00	0.00
<b>Total Citywide Park Master Plan</b>	173,410.00	0.00	0.00	0.00	173,410.00	0.00

**Expenditure Status Report**

CITY OF HERMOSA BEACH  
 7/1/2018 through 11/30/2018

125 Park/Rec Facility Tax Fund

8545 Clark Stadium Bleachers

<u>Account Number</u>	<u>Adjusted Appropriation</u>	<u>Expenditures</u>	<u>Year-to-date Expenditures</u>	<u>Year-to-date Encumbrances</u>	<u>Balance</u>	<u>Prct Used</u>
8545-4200 Contract Services						
8545-4201 Contract Serv/Private	30,000.00	0.00	0.00	0.00	30,000.00	0.00
<b>Total Clark Stadium Bleachers</b>	<b>30,000.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>30,000.00</b>	<b>0.00</b>

**Expenditure Status Report**

CITY OF HERMOSA BEACH  
 7/1/2018 through 11/30/2018

125 Park/Rec Facility Tax Fund

8546 Citywide Park Improvements

<u>Account Number</u>	<u>Adjusted Appropriation</u>	<u>Expenditures</u>	<u>Year-to-date Expenditures</u>	<u>Year-to-date Encumbrances</u>	<u>Balance</u>	<u>Prct Used</u>
8546-4200 Contract Services						
8546-4201 Contract Serv/Private	56,359.00	30,732.31	30,732.31	0.00	25,626.69	54.53
<b>Total Citywide Park Improvements</b>	<b>56,359.00</b>	<b>30,732.31</b>	<b>30,732.31</b>	<b>0.00</b>	<b>25,626.69</b>	<b>54.53</b>

**Expenditure Status Report**

CITY OF HERMOSA BEACH  
 7/1/2018 through 11/30/2018

125 Park/Rec Facility Tax Fund

8656 Citywide Energy Conservation Upgrades

<u>Account Number</u>	<u>Adjusted Appropriation</u>	<u>Expenditures</u>	<u>Year-to-date Expenditures</u>	<u>Year-to-date Encumbrances</u>	<u>Balance</u>	<u>Prct Used</u>
8656-4200 Contract Services						
8656-4201 Contract Serv/Private	0.00	0.00	0.00	0.00	0.00	0.00
<b>Total Citywide Energy Conservation Upgrades</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>

**Expenditure Status Report**

CITY OF HERMOSA BEACH  
 7/1/2018 through 11/30/2018

125 Park/Rec Facility Tax Fund

8667 Community Center, Plaza, and Park Improv

<u>Account Number</u>	<u>Adjusted Appropriation</u>	<u>Expenditures</u>	<u>Year-to-date Expenditures</u>	<u>Year-to-date Encumbrances</u>	<u>Balance</u>	<u>Prct Used</u>
8667-4200 Contract Services						
8667-4201 Contract Serv/Private	0.00	0.00	0.00	0.00	0.00	0.00
<b>Total</b> Community Center, Plaza, and Park Improv	0.00	0.00	0.00	0.00	0.00	0.00
<b>Total</b> Park/Rec Facility Tax Fund	259,769.00	30,732.31	30,732.31	0.00	229,036.69	11.83

**Expenditure Status Report**

CITY OF HERMOSA BEACH  
 7/1/2018 through 11/30/2018

135 Bayview Dr Dist Admin Exp Fund

1219 Administrative Charges

<u>Account Number</u>	<u>Adjusted Appropriation</u>	<u>Expenditures</u>	<u>Year-to-date Expenditures</u>	<u>Year-to-date Encumbrances</u>	<u>Balance</u>	<u>Prct Used</u>
1219-4200 Contract Services						
1219-4201 Contract Serv/Private	1,350.00	366.21	366.21	0.00	983.79	27.13
<b>Total Administrative Charges</b>	<b>1,350.00</b>	<b>366.21</b>	<b>366.21</b>	<b>0.00</b>	<b>983.79</b>	<b>27.13</b>

**Expenditure Status Report**

CITY OF HERMOSA BEACH  
 7/1/2018 through 11/30/2018

135 Bayview Dr Dist Admin Exp Fund

1299 Interfund Transfers Out

<u>Account Number</u>	<u>Adjusted Appropriation</u>	<u>Expenditures</u>	<u>Year-to-date Expenditures</u>	<u>Year-to-date Encumbrances</u>	<u>Balance</u>	<u>Prct Used</u>
1299-4300 Materials/Supplies/Other						
1299-4399 Operating Trsfr Out	2,307.00	960.00	960.00	0.00	1,347.00	41.61
<b>Total Interfund Transfers Out</b>	2,307.00	960.00	960.00	0.00	1,347.00	41.61
<b>Total Bayview Dr Dist Admin Exp Fund</b>	3,657.00	1,326.21	1,326.21	0.00	2,330.79	36.26

**Expenditure Status Report**

CITY OF HERMOSA BEACH  
 7/1/2018 through 11/30/2018

136 Lower Pier Admin Exp Fund

1219 Administrative Charges

<u>Account Number</u>	<u>Adjusted Appropriation</u>	<u>Expenditures</u>	<u>Year-to-date Expenditures</u>	<u>Year-to-date Encumbrances</u>	<u>Balance</u>	<u>Prct Used</u>
1219-4200 Contract Services						
1219-4201 Contract Serv/Private	1,200.00	0.00	0.00	0.00	1,200.00	0.00
<b>Total Administrative Charges</b>	1,200.00	0.00	0.00	0.00	1,200.00	0.00



**Expenditure Status Report**

CITY OF HERMOSA BEACH  
 7/1/2018 through 11/30/2018

136 Lower Pier Admin Exp Fund

1299 Interfund Transfers Out

<u>Account Number</u>	<u>Adjusted Appropriation</u>	<u>Expenditures</u>	<u>Year-to-date Expenditures</u>	<u>Year-to-date Encumbrances</u>	<u>Balance</u>	<u>Prct Used</u>
1299-4300 Materials/Supplies/Other						
1299-4399 Operating Transfers Out	2,249.00	935.00	935.00	0.00	1,314.00	41.57
<b>Total Interfund Transfers Out</b>	2,249.00	935.00	935.00	0.00	1,314.00	41.57
<b>Total Lower Pier Admin Exp Fund</b>	3,449.00	935.00	935.00	0.00	2,514.00	27.11

**Expenditure Status Report**

CITY OF HERMOSA BEACH  
 7/1/2018 through 11/30/2018

137 Myrtle Dist Admin Exp Fund

1219 Administrative Charges

<u>Account Number</u>	<u>Adjusted Appropriation</u>	<u>Expenditures</u>	<u>Year-to-date Expenditures</u>	<u>Year-to-date Encumbrances</u>	<u>Balance</u>	<u>Prct Used</u>
1219-4200 Contract Services						
1219-4201 Contract Serv/Private	5,585.00	2,659.47	2,659.47	0.00	2,925.53	47.62
<b>Total Administrative Charges</b>	<b>5,585.00</b>	<b>2,659.47</b>	<b>2,659.47</b>	<b>0.00</b>	<b>2,925.53</b>	<b>47.62</b>

**Expenditure Status Report**

CITY OF HERMOSA BEACH  
 7/1/2018 through 11/30/2018

137 Myrtle Dist Admin Exp Fund

1299 Interfund Transfers Out

<u>Account Number</u>	<u>Adjusted Appropriation</u>	<u>Expenditures</u>	<u>Year-to-date Expenditures</u>	<u>Year-to-date Encumbrances</u>	<u>Balance</u>	<u>Prct Used</u>
1299-4300 Materials/Supplies/Other						
1299-4399 Operating Transfers Out	5,264.00	2,195.00	2,195.00	0.00	3,069.00	41.70
<b>Total Interfund Transfers Out</b>	5,264.00	2,195.00	2,195.00	0.00	3,069.00	41.70
<b>Total Myrtle Dist Admin Exp Fund</b>	10,849.00	4,854.47	4,854.47	0.00	5,994.53	44.75

**Expenditure Status Report**

CITY OF HERMOSA BEACH  
 7/1/2018 through 11/30/2018

138 Loma Dist Admin Exp Fund

1219 Administrative Charges

<u>Account Number</u>	<u>Adjusted Appropriation</u>	<u>Expenditures</u>	<u>Year-to-date Expenditures</u>	<u>Year-to-date Encumbrances</u>	<u>Balance</u>	<u>Prct Used</u>
1219-4200 Contract Services						
1219-4201 Contract Serv/Private	5,740.00	2,832.77	2,832.77	0.00	2,907.23	49.35
<b>Total Administrative Charges</b>	<b>5,740.00</b>	<b>2,832.77</b>	<b>2,832.77</b>	<b>0.00</b>	<b>2,907.23</b>	<b>49.35</b>

**Expenditure Status Report**

CITY OF HERMOSA BEACH  
 7/1/2018 through 11/30/2018

138 Loma Dist Admin Exp Fund

1299 Interfund Transfers Out

<u>Account Number</u>	<u>Adjusted Appropriation</u>	<u>Expenditures</u>	<u>Year-to-date Expenditures</u>	<u>Year-to-date Encumbrances</u>	<u>Balance</u>	<u>Prct Used</u>
1299-4300 Materials/Supplies/Other						
1299-4399 Operating Transfers Out	5,710.00	2,380.00	2,380.00	0.00	3,330.00	41.68
<b>Total Interfund Transfers Out</b>	5,710.00	2,380.00	2,380.00	0.00	3,330.00	41.68
<b>Total Loma Dist Admin Exp Fund</b>	11,450.00	5,212.77	5,212.77	0.00	6,237.23	45.53

**Expenditure Status Report**

CITY OF HERMOSA BEACH  
 7/1/2018 through 11/30/2018

139 Beach Dr Assmnt Dist Admin Exp Fund

1219 Administrative Charges

<u>Account Number</u>	<u>Adjusted Appropriation</u>	<u>Expenditures</u>	<u>Year-to-date Expenditures</u>	<u>Year-to-date Encumbrances</u>	<u>Balance</u>	<u>Prct Used</u>
1219-4200 Contract Services						
1219-4201 Contract Serv/Private	1,453.00	340.53	340.53	0.00	1,112.47	23.44
<b>Total Administrative Charges</b>	1,453.00	340.53	340.53	0.00	1,112.47	23.44

**Expenditure Status Report**

CITY OF HERMOSA BEACH  
 7/1/2018 through 11/30/2018

139 Beach Dr Assmnt Dist Admin Exp Fund

1299 Interfund Transfers Out

<u>Account Number</u>	<u>Adjusted Appropriation</u>	<u>Expenditures</u>	<u>Year-to-date Expenditures</u>	<u>Year-to-date Encumbrances</u>	<u>Balance</u>	<u>Prct Used</u>
1299-4300 Materials/Supplies/Other						
1299-4399 Operating Transfers Out	1,891.00	790.00	790.00	0.00	1,101.00	41.78
<b>Total Interfund Transfers Out</b>	1,891.00	790.00	790.00	0.00	1,101.00	41.78
<b>Total Beach Dr Assmnt Dist Admin Exp Fund</b>	3,344.00	1,130.53	1,130.53	0.00	2,213.47	33.81

**Expenditure Status Report**

CITY OF HERMOSA BEACH  
 7/1/2018 through 11/30/2018

140 Community Dev Block Grant  
 4707 CDBG Program General Admin

<u>Account Number</u>	<u>Adjusted Appropriation</u>	<u>Expenditures</u>	<u>Year-to-date Expenditures</u>	<u>Year-to-date Encumbrances</u>	<u>Balance</u>	<u>Prct Used</u>
4707-4200 Contract Services						
4707-4201 Contract Serv/Private	0.00	0.00	0.00	0.00	0.00	0.00
<b>Total CDBG Program General Admin</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>



**Expenditure Status Report**

CITY OF HERMOSA BEACH  
 7/1/2018 through 11/30/2018

140 Community Dev Block Grant

8657 City Right of Way ADA Improvements

<u>Account Number</u>	<u>Adjusted Appropriation</u>	<u>Expenditures</u>	<u>Year-to-date Expenditures</u>	<u>Year-to-date Encumbrances</u>	<u>Balance</u>	<u>Prct Used</u>
8657-4200 Contract Services						
8657-4201 Contract Serv/Private	0.00	0.00	0.00	0.00	0.00	0.00
<b>Total City Right of Way ADA Improvements</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>

**Expenditure Status Report**

CITY OF HERMOSA BEACH  
 7/1/2018 through 11/30/2018

140 Community Dev Block Grant

8687 ADA Improvements at Various Locations

<u>Account Number</u>	<u>Adjusted Appropriation</u>	<u>Expenditures</u>	<u>Year-to-date Expenditures</u>	<u>Year-to-date Encumbrances</u>	<u>Balance</u>	<u>Prct Used</u>
8687-4200 Contract Services						
8687-4201 Contract Serv/Private	150,000.00	0.00	0.00	0.00	150,000.00	0.00
<b>Total ADA Improvements at Various Locations</b>	150,000.00	0.00	0.00	0.00	150,000.00	0.00

**Expenditure Status Report**

CITY OF HERMOSA BEACH  
 7/1/2018 through 11/30/2018

140 Community Dev Block Grant

8691 ADA Improvements at Various Locations

<u>Account Number</u>	<u>Adjusted Appropriation</u>	<u>Expenditures</u>	<u>Year-to-date Expenditures</u>	<u>Year-to-date Encumbrances</u>	<u>Balance</u>	<u>Prct Used</u>
8691-4200 Contract Services						
8691-4201 Contract Serv/Private	120,000.00	0.00	0.00	0.00	120,000.00	0.00
<b>Total ADA Improvements at Various Locations</b>	120,000.00	0.00	0.00	0.00	120,000.00	0.00
<b>Total Community Dev Block Grant</b>	270,000.00	0.00	0.00	0.00	270,000.00	0.00

**Expenditure Status Report**

CITY OF HERMOSA BEACH  
 7/1/2018 through 11/30/2018

145 Proposition A Fund

1299 Interfund Transfers Out

<u>Account Number</u>	<u>Adjusted Appropriation</u>	<u>Expenditures</u>	<u>Year-to-date Expenditures</u>	<u>Year-to-date Encumbrances</u>	<u>Balance</u>	<u>Prct Used</u>
1299-4300 Materials/Supplies/Other						
1299-4399 Operating Transfers Out	0.00	0.00	0.00	0.00	0.00	0.00
<b>Total Interfund Transfers Out</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>

**Expenditure Status Report**

CITY OF HERMOSA BEACH  
 7/1/2018 through 11/30/2018

145 Proposition A Fund

3403 Bus Pass Subsidy

<u>Account Number</u>	<u>Adjusted Appropriation</u>	<u>Expenditures</u>	<u>Year-to-date Expenditures</u>	<u>Year-to-date Encumbrances</u>	<u>Balance</u>	<u>Prct Used</u>
3403-4200 Contract Services						
3403-4251 Contract Service/Govt	3,500.00	420.00	420.00	0.00	3,080.00	12.00
<b>Total Bus Pass Subsidy</b>	<b>3,500.00</b>	<b>420.00</b>	<b>420.00</b>	<b>0.00</b>	<b>3,080.00</b>	<b>12.00</b>

**Expenditure Status Report**

CITY OF HERMOSA BEACH  
 7/1/2018 through 11/30/2018

145 Proposition A Fund

3404 Dial-A-Taxi Program

<u>Account Number</u>	<u>Adjusted Appropriation</u>	<u>Expenditures</u>	<u>Year-to-date Expenditures</u>	<u>Year-to-date Encumbrances</u>	<u>Balance</u>	<u>Prct Used</u>
3404-4200 Contract Services						
3404-4201 Contract Serv/Private	76,000.00	13,754.75	13,754.75	0.00	62,245.25	18.10
<b>Total Dial-A-Taxi Program</b>	<b>76,000.00</b>	<b>13,754.75</b>	<b>13,754.75</b>	<b>0.00</b>	<b>62,245.25</b>	<b>18.10</b>

**Expenditure Status Report**

CITY OF HERMOSA BEACH  
 7/1/2018 through 11/30/2018

145 Proposition A Fund

3408 Commuter Express

<u>Account Number</u>	<u>Adjusted Appropriation</u>	<u>Expenditures</u>	<u>Year-to-date Expenditures</u>	<u>Year-to-date Encumbrances</u>	<u>Balance</u>	<u>Prct Used</u>
3408-4100 Personal Services						
3408-4102 Regular Salaries	5,050.00	682.73	682.73	0.00	4,367.27	13.52
<b>Total</b> Personal Services	5,050.00	682.73	682.73	0.00	4,367.27	13.52
3408-4200 Contract Services						
3408-4251 Contract Service/Govt	33,664.00	0.00	0.00	0.00	33,664.00	0.00
<b>Total</b> Contract Services	33,664.00	0.00	0.00	0.00	33,664.00	0.00
<b>Total</b> Commuter Express	38,714.00	682.73	682.73	0.00	38,031.27	1.76

**Expenditure Status Report**

CITY OF HERMOSA BEACH  
 7/1/2018 through 11/30/2018

145 Proposition A Fund

3409 Recreation Transportation

<u>Account Number</u>	<u>Adjusted Appropriation</u>	<u>Expenditures</u>	<u>Year-to-date Expenditures</u>	<u>Year-to-date Encumbrances</u>	<u>Balance</u>	<u>Prct Used</u>
3409-4200 Contract Services						
3409-4201 Contract Serv/Private	40,000.00	26,153.03	26,153.03	0.00	13,846.97	65.38
<b>Total Recreation Transportation</b>	<b>40,000.00</b>	<b>26,153.03</b>	<b>26,153.03</b>	<b>0.00</b>	<b>13,846.97</b>	<b>65.38</b>



**Expenditure Status Report**

CITY OF HERMOSA BEACH  
 7/1/2018 through 11/30/2018

145 Proposition A Fund

3410 Special Event Shuttle

<u>Account Number</u>	<u>Adjusted Appropriation</u>	<u>Expenditures</u>	<u>Year-to-date Expenditures</u>	<u>Year-to-date Encumbrances</u>	<u>Balance</u>	<u>Prct Used</u>
3410-4200 Contract Services						
3410-4201 Contract Serv/Private	6,000.00	3,000.00	3,000.00	0.00	3,000.00	50.00
<b>Total Special Event Shuttle</b>	<b>6,000.00</b>	<b>3,000.00</b>	<b>3,000.00</b>	<b>0.00</b>	<b>3,000.00</b>	<b>50.00</b>

**Expenditure Status Report**

CITY OF HERMOSA BEACH  
 7/1/2018 through 11/30/2018

145 Proposition A Fund

3411 After School Program Shuttle

<u>Account Number</u>	<u>Adjusted Appropriation</u>	<u>Expenditures</u>	<u>Year-to-date Expenditures</u>	<u>Year-to-date Encumbrances</u>	<u>Balance</u>	<u>Prct Used</u>
3411-4200 Contract Services						
3411-4201 Contract Serv/Private	43,200.00	4,025.00	4,025.00	0.00	39,175.00	9.32
<b>Total After School Program Shuttle</b>	<b>43,200.00</b>	<b>4,025.00</b>	<b>4,025.00</b>	<b>0.00</b>	<b>39,175.00</b>	<b>9.32</b>

**Expenditure Status Report**

CITY OF HERMOSA BEACH  
 7/1/2018 through 11/30/2018

145 Proposition A Fund

3412 Beach Cities Transit Line 109

<u>Account Number</u>	<u>Adjusted Appropriation</u>	<u>Expenditures</u>	<u>Year-to-date Expenditures</u>	<u>Year-to-date Encumbrances</u>	<u>Balance</u>	<u>Prct Used</u>
3412-4200 Contract Services						
3412-4251 Contract Services/Gov't	13,000.00	0.00	0.00	0.00	13,000.00	0.00
<b>Total Beach Cities Transit Line 109</b>	<b>13,000.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>13,000.00</b>	<b>0.00</b>

**Expenditure Status Report**

CITY OF HERMOSA BEACH  
 7/1/2018 through 11/30/2018

145 Proposition A Fund

8143 PCH Mobility Improvement Project

<u>Account Number</u>	<u>Adjusted Appropriation</u>	<u>Expenditures</u>	<u>Year-to-date Expenditures</u>	<u>Year-to-date Encumbrances</u>	<u>Balance</u>	<u>Prct Used</u>
8143-4200 Contract Services						
8143-4201 Contract Serv/Private	0.00	0.00	0.00	0.00	0.00	0.00
<b>Total PCH Mobility Improvement Project</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>

**Expenditure Status Report**

CITY OF HERMOSA BEACH  
 7/1/2018 through 11/30/2018

145 Proposition A Fund

8174 Street Improvements Various Locations

<u>Account Number</u>	<u>Adjusted Appropriation</u>	<u>Expenditures</u>	<u>Year-to-date Expenditures</u>	<u>Year-to-date Encumbrances</u>	<u>Balance</u>	<u>Prct Used</u>
8174-4200 Contract Services						
8174-4201 Contract Serv/Private	274,892.00	0.00	0.00	0.00	274,892.00	0.00
<b>Total Street Improvements Various Locations</b>	<b>274,892.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>274,892.00</b>	<b>0.00</b>

**Expenditure Status Report**

CITY OF HERMOSA BEACH  
 7/1/2018 through 11/30/2018

145 Proposition A Fund

8186 Street Improvement Various Locations

<u>Account Number</u>	<u>Adjusted Appropriation</u>	<u>Expenditures</u>	<u>Year-to-date Expenditures</u>	<u>Year-to-date Encumbrances</u>	<u>Balance</u>	<u>Prct Used</u>
8186-4200 Contract Services						
8186-4201 Contract Serv/Private	59,000.00	0.00	0.00	0.00	59,000.00	0.00
<b>Total</b> Street Improvement Various Locations	59,000.00	0.00	0.00	0.00	59,000.00	0.00
<b>Total</b> Proposition A Fund	554,306.00	48,035.51	48,035.51	0.00	506,270.49	8.67

**Expenditure Status Report**

CITY OF HERMOSA BEACH  
 7/1/2018 through 11/30/2018

146 Proposition C Fund

4208 Pavement Management Study

<u>Account Number</u>	<u>Adjusted Appropriation</u>	<u>Expenditures</u>	<u>Year-to-date Expenditures</u>	<u>Year-to-date Encumbrances</u>	<u>Balance</u>	<u>Prct Used</u>
4208-4200 Contract Services						
4208-4201 Contract Serv/Private	0.00	0.00	0.00	0.00	0.00	0.00
<b>Total Pavement Management Study</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>

**Expenditure Status Report**

CITY OF HERMOSA BEACH  
 7/1/2018 through 11/30/2018

146 Proposition C Fund

8143 PCH Mobility Improvement Project

<u>Account Number</u>	<u>Adjusted Appropriation</u>	<u>Expenditures</u>	<u>Year-to-date Expenditures</u>	<u>Year-to-date Encumbrances</u>	<u>Balance</u>	<u>Prct Used</u>
8143-4200 Contract Services						
8143-4201 Contract Serv/Private	0.00	0.00	0.00	0.00	0.00	0.00
<b>Total PCH Mobility Improvement Project</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>



**Expenditure Status Report**

CITY OF HERMOSA BEACH  
 7/1/2018 through 11/30/2018

146 Proposition C Fund

8174 Street Improvements Various Locations

<u>Account Number</u>	<u>Adjusted Appropriation</u>	<u>Expenditures</u>	<u>Year-to-date Expenditures</u>	<u>Year-to-date Encumbrances</u>	<u>Balance</u>	<u>Prct Used</u>
8174-4100 Personal Services						
8174-4102 Regular Salaries	0.00	3,130.80	3,130.80	0.00	-3,130.80	0.00
8174-4112 Part Time Temporary	0.00	100.00	100.00	0.00	-100.00	0.00
<b>Total Personal Services</b>	0.00	3,230.80	3,230.80	0.00	-3,230.80	0.00
8174-4200 Contract Services						
8174-4201 Contract Serv/Private	799,333.00	138,957.25	138,957.25	0.00	660,375.75	17.38
<b>Total Contract Services</b>	799,333.00	138,957.25	138,957.25	0.00	660,375.75	17.38
<b>Total Street Improvements Various Locations</b>	799,333.00	142,188.05	142,188.05	0.00	657,144.95	17.79

**Expenditure Status Report**

CITY OF HERMOSA BEACH  
 7/1/2018 through 11/30/2018

146 Proposition C Fund

8186 Street Improvement Various Locations

<u>Account Number</u>	<u>Adjusted Appropriation</u>	<u>Expenditures</u>	<u>Year-to-date Expenditures</u>	<u>Year-to-date Encumbrances</u>	<u>Balance</u>	<u>Prct Used</u>
8186-4200 Contract Services						
8186-4201 Contract Serv/Private	0.00	0.00	0.00	0.00	0.00	0.00
<b>Total</b> Street Improvement Various Locations	0.00	0.00	0.00	0.00	0.00	0.00
<b>Total</b> Proposition C Fund	799,333.00	142,188.05	142,188.05	0.00	657,144.95	17.79

**Expenditure Status Report**

CITY OF HERMOSA BEACH  
 7/1/2018 through 11/30/2018

147 Measure R Fund

8143 PCH Mobility Improvement Project

<u>Account Number</u>	<u>Adjusted Appropriation</u>	<u>Expenditures</u>	<u>Year-to-date Expenditures</u>	<u>Year-to-date Encumbrances</u>	<u>Balance</u>	<u>Prct Used</u>
8143-4200 Contract Services						
8143-4201 Contract Serv/Private	255,509.00	0.00	0.00	0.00	255,509.00	0.00
<b>Total PCH Mobility Improvement Project</b>	<b>255,509.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>255,509.00</b>	<b>0.00</b>

**Expenditure Status Report**

CITY OF HERMOSA BEACH  
 7/1/2018 through 11/30/2018

147 Measure R Fund

8160 PCH Traffic Improvements

<u>Account Number</u>	<u>Adjusted Appropriation</u>	<u>Expenditures</u>	<u>Year-to-date Expenditures</u>	<u>Year-to-date Encumbrances</u>	<u>Balance</u>	<u>Prct Used</u>
8160-4200 Contract Services						
8160-4201 Contract Serv/Private	399,922.00	0.00	0.00	0.00	399,922.00	0.00
<b>Total PCH Traffic Improvements</b>	<b>399,922.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>399,922.00</b>	<b>0.00</b>

**Expenditure Status Report**

CITY OF HERMOSA BEACH  
 7/1/2018 through 11/30/2018

147 Measure R Fund

8168 Bike Friendly Street Improvements

<u>Account Number</u>	<u>Adjusted Appropriation</u>	<u>Expenditures</u>	<u>Year-to-date Expenditures</u>	<u>Year-to-date Encumbrances</u>	<u>Balance</u>	<u>Prct Used</u>
8168-4200 Contract Services						
8168-4201 Contract Serv/Private	20,000.00	0.00	0.00	0.00	20,000.00	0.00
<b>Total Bike Friendly Street Improvements</b>	<b>20,000.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>20,000.00</b>	<b>0.00</b>

**Expenditure Status Report**

CITY OF HERMOSA BEACH  
 7/1/2018 through 11/30/2018

147 Measure R Fund

8174 Street Improvements Various Locations

<u>Account Number</u>	<u>Adjusted Appropriation</u>	<u>Expenditures</u>	<u>Year-to-date Expenditures</u>	<u>Year-to-date Encumbrances</u>	<u>Balance</u>	<u>Prct Used</u>
8174-4200 Contract Services						
8174-4201 Contract Serv/Private	766,885.00	75,878.60	75,878.60	0.00	691,006.40	9.89
<b>Total Street Improvements Various Locations</b>	<b>766,885.00</b>	<b>75,878.60</b>	<b>75,878.60</b>	<b>0.00</b>	<b>691,006.40</b>	<b>9.89</b>

**Expenditure Status Report**

CITY OF HERMOSA BEACH  
 7/1/2018 through 11/30/2018

147 Measure R Fund

8186 Street Improvement Various Locations

<u>Account Number</u>	<u>Adjusted Appropriation</u>	<u>Expenditures</u>	<u>Year-to-date Expenditures</u>	<u>Year-to-date Encumbrances</u>	<u>Balance</u>	<u>Prct Used</u>
8186-4200 Contract Services						
8186-4201 Contract Serv/Private	89,551.00	0.00	0.00	0.00	89,551.00	0.00
<b>Total Street Improvement Various Locations</b>	<b>89,551.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>89,551.00</b>	<b>0.00</b>

**Expenditure Status Report**

CITY OF HERMOSA BEACH  
 7/1/2018 through 11/30/2018

147 Measure R Fund

8188 Strand Bikeway/Walkway Improvements- 35th

<u>Account Number</u>	<u>Adjusted Appropriation</u>	<u>Expenditures</u>	<u>Year-to-date Expenditures</u>	<u>Year-to-date Encumbrances</u>	<u>Balance</u>	<u>Prct Used</u>
8188-4200 Contract Services						
8188-4201 Contract Serv/Private	115,000.00	0.00	0.00	0.00	115,000.00	0.00
<b>Total Strand Bikeway/Walkway Improvements- 35th</b>	115,000.00	0.00	0.00	0.00	115,000.00	0.00
<b>Total Measure R Fund</b>	1,646,867.00	75,878.60	75,878.60	0.00	1,570,988.40	4.61



**Expenditure Status Report**

CITY OF HERMOSA BEACH  
 7/1/2018 through 11/30/2018

148 Measure M

8143 PCH Mobility Improvement Project

<u>Account Number</u>	<u>Adjusted Appropriation</u>	<u>Expenditures</u>	<u>Year-to-date Expenditures</u>	<u>Year-to-date Encumbrances</u>	<u>Balance</u>	<u>Prct Used</u>
8143-4200 Contract Services						
8143-4201 Contract Serv/Private	0.00	0.00	0.00	0.00	0.00	0.00
<b>Total PCH Mobility Improvement Project</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>

**Expenditure Status Report**

CITY OF HERMOSA BEACH  
 7/1/2018 through 11/30/2018

148 Measure M

8160 PCH Traffic Improvements

<u>Account Number</u>	<u>Adjusted Appropriation</u>	<u>Expenditures</u>	<u>Year-to-date Expenditures</u>	<u>Year-to-date Encumbrances</u>	<u>Balance</u>	<u>Prct Used</u>
8160-4200 Contract Services						
8160-4201 Contract Serv/Private	0.00	0.00	0.00	0.00	0.00	0.00
<b>Total PCH Traffic Improvements</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>

**Expenditure Status Report**

CITY OF HERMOSA BEACH  
 7/1/2018 through 11/30/2018

148 Measure M

8174 Street Improvements Various Locations

<u>Account Number</u>	<u>Adjusted Appropriation</u>	<u>Expenditures</u>	<u>Year-to-date Expenditures</u>	<u>Year-to-date Encumbrances</u>	<u>Balance</u>	<u>Prct Used</u>
8174-4200 Contract Services						
8174-4201 Contract Serv/Private	282,875.00	0.00	0.00	0.00	282,875.00	0.00
<b>Total Street Improvements Various Locations</b>	<b>282,875.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>282,875.00</b>	<b>0.00</b>

**Expenditure Status Report**

CITY OF HERMOSA BEACH  
 7/1/2018 through 11/30/2018

148 Measure M

8186 Street Improvement Various Locations

<u>Account Number</u>	<u>Adjusted Appropriation</u>	<u>Expenditures</u>	<u>Year-to-date Expenditures</u>	<u>Year-to-date Encumbrances</u>	<u>Balance</u>	<u>Prct Used</u>
8186-4200 Contract Services						
8186-4201 Contract Serv/Private	221,468.00	0.00	0.00	0.00	221,468.00	0.00
<b>Total Street Improvement Various Locations</b>	221,468.00	0.00	0.00	0.00	221,468.00	0.00
<b>Total Measure M</b>	504,343.00	0.00	0.00	0.00	504,343.00	0.00

**Expenditure Status Report**

CITY OF HERMOSA BEACH  
 7/1/2018 through 11/30/2018

150 Grants Fund

1220 City Homeless Planning Grant

<u>Account Number</u>	<u>Adjusted Appropriation</u>	<u>Expenditures</u>	<u>Year-to-date Expenditures</u>	<u>Year-to-date Encumbrances</u>	<u>Balance</u>	<u>Prct Used</u>
1220-4200 Contract Services						
1220-4201 Contract Serv/Private	2,364.00	0.00	0.00	0.00	2,364.00	0.00
<b>Total City Homeless Planning Grant</b>	<b>2,364.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>2,364.00</b>	<b>0.00</b>

**Expenditure Status Report**

CITY OF HERMOSA BEACH  
 7/1/2018 through 11/30/2018

150 Grants Fund

1221 Green Business Program

<u>Account Number</u>	<u>Adjusted Appropriation</u>	<u>Expenditures</u>	<u>Year-to-date Expenditures</u>	<u>Year-to-date Encumbrances</u>	<u>Balance</u>	<u>Prct Used</u>
1221-4200 Contract Services						
1221-4201 Contract Serv/Private	30,000.00	0.00	0.00	0.00	30,000.00	0.00
<b>Total Green Business Program</b>	<b>30,000.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>30,000.00</b>	<b>0.00</b>

**Expenditure Status Report**

CITY OF HERMOSA BEACH  
 7/1/2018 through 11/30/2018

150 Grants Fund

2111 Bulletproof Vest Partnership

<u>Account Number</u>	<u>Adjusted Appropriation</u>	<u>Expenditures</u>	<u>Year-to-date Expenditures</u>	<u>Year-to-date Encumbrances</u>	<u>Balance</u>	<u>Prct Used</u>
2111-4200 Contract Services						
2111-4201 Contract Serv/Private	786.00	0.00	0.00	0.00	786.00	0.00
<b>Total Contract Services</b>	786.00	0.00	0.00	0.00	786.00	0.00
2111-4300 Materials/Supplies/Other						
2111-4350 Safety Gear	2,700.00	765.40	765.40	0.00	1,934.60	28.35
<b>Total Materials/Supplies/Other</b>	2,700.00	765.40	765.40	0.00	1,934.60	28.35
<b>Total Bulletproof Vest Partnership</b>	3,486.00	765.40	765.40	0.00	2,720.60	21.96

**Expenditure Status Report**

CITY OF HERMOSA BEACH  
 7/1/2018 through 11/30/2018

150 Grants Fund

2118 Mental Health Evaluation Team (MET)

<u>Account Number</u>	<u>Adjusted Appropriation</u>	<u>Expenditures</u>	<u>Year-to-date Expenditures</u>	<u>Year-to-date Encumbrances</u>	<u>Balance</u>	<u>Prct Used</u>
2118-4200 Contract Services						
2118-4201 Contract Serv/Private	21,854.00	0.00	0.00	0.00	21,854.00	0.00
<b>Total Mental Health Evaluation Team (MET)</b>	<b>21,854.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>21,854.00</b>	<b>0.00</b>



**Expenditure Status Report**

CITY OF HERMOSA BEACH  
 7/1/2018 through 11/30/2018

150 Grants Fund

2119 Body Worn Camera

<u>Account Number</u>	<u>Adjusted Appropriation</u>	<u>Expenditures</u>	<u>Year-to-date Expenditures</u>	<u>Year-to-date Encumbrances</u>	<u>Balance</u>	<u>Prct Used</u>
2119-4200 Contract Services						
2119-4201 Contract Serv/Private	41,681.00	23,354.40	23,354.40	0.00	18,326.60	56.03
<b>Total Body Worn Camera</b>	<b>41,681.00</b>	<b>23,354.40</b>	<b>23,354.40</b>	<b>0.00</b>	<b>18,326.60</b>	<b>56.03</b>

**Expenditure Status Report**

CITY OF HERMOSA BEACH  
 7/1/2018 through 11/30/2018

150 Grants Fund

2225 Fireman's Fund Emerg Prep Prog Grant

<u>Account Number</u>	<u>Adjusted Appropriation</u>	<u>Expenditures</u>	<u>Year-to-date Expenditures</u>	<u>Year-to-date Encumbrances</u>	<u>Balance</u>	<u>Prct Used</u>
2225-5400 Equipment/Furniture						
2225-5402 Equip-More Than \$1,000	0.00	0.00	0.00	0.00	0.00	0.00
2225-5405 Equipment more than \$5,000	0.00	0.00	0.00	0.00	0.00	0.00
<b>Total Fireman's Fund Emerg Prep Prog Grant</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>

**Expenditure Status Report**

CITY OF HERMOSA BEACH  
 7/1/2018 through 11/30/2018

150 Grants Fund

3102 Beverage Recycle Grant

<u>Account Number</u>	<u>Adjusted Appropriation</u>	<u>Expenditures</u>	<u>Year-to-date Expenditures</u>	<u>Year-to-date Encumbrances</u>	<u>Balance</u>	<u>Prct Used</u>
3102-4200 Contract Services						
3102-4201 Contract Serv/Private	31,881.00	3,390.25	3,390.25	0.00	28,490.75	10.63
<b>Total Beverage Recycle Grant</b>	<b>31,881.00</b>	<b>3,390.25</b>	<b>3,390.25</b>	<b>0.00</b>	<b>28,490.75</b>	<b>10.63</b>

**Expenditure Status Report**

CITY OF HERMOSA BEACH  
 7/1/2018 through 11/30/2018

150 Grants Fund

3106 Sea Level Rise Study/Coastal Conservancy

<u>Account Number</u>	<u>Adjusted Appropriation</u>	<u>Expenditures</u>	<u>Year-to-date Expenditures</u>	<u>Year-to-date Encumbrances</u>	<u>Balance</u>	<u>Prct Used</u>
3106-4200 Contract Services						
3106-4201 Contract Serv/Private	0.00	0.00	0.00	0.00	0.00	0.00
<b>Total</b> Sea Level Rise Study/Coastal Conservancy	0.00	0.00	0.00	0.00	0.00	0.00

**Expenditure Status Report**

CITY OF HERMOSA BEACH  
 7/1/2018 through 11/30/2018

150 Grants Fund

4104 Coastal Permit Auth Grant

<u>Account Number</u>	<u>Adjusted Appropriation</u>	<u>Expenditures</u>	<u>Year-to-date Expenditures</u>	<u>Year-to-date Encumbrances</u>	<u>Balance</u>	<u>Prct Used</u>
4104-4200 Contract Services						
4104-4201 Contract Serv/Private	23,013.00	0.00	0.00	0.00	23,013.00	0.00
<b>Total Contract Services</b>	23,013.00	0.00	0.00	0.00	23,013.00	0.00
4104-4300 Materials/Supplies/Other						
4104-4305 Office Operating Supplies	0.00	0.00	0.00	0.00	0.00	0.00
<b>Total Materials/Supplies/Other</b>	0.00	0.00	0.00	0.00	0.00	0.00
<b>Total Coastal Permit Auth Grant</b>	23,013.00	0.00	0.00	0.00	23,013.00	0.00

**Expenditure Status Report**

CITY OF HERMOSA BEACH  
 7/1/2018 through 11/30/2018

150 Grants Fund

4105 Zoning Ordinance Update

<u>Account Number</u>	<u>Adjusted Appropriation</u>	<u>Expenditures</u>	<u>Year-to-date Expenditures</u>	<u>Year-to-date Encumbrances</u>	<u>Balance</u>	<u>Prct Used</u>
4105-4200 Contract Services						
4105-4201 Contract Serv/Private	0.00	0.00	0.00	0.00	0.00	0.00
<b>Total Zoning Ordinance Update</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>

**Expenditure Status Report**

CITY OF HERMOSA BEACH  
 7/1/2018 through 11/30/2018

150 Grants Fund

4107 Local Coastal Assistance Grant

<u>Account Number</u>	<u>Adjusted Appropriation</u>	<u>Expenditures</u>	<u>Year-to-date Expenditures</u>	<u>Year-to-date Encumbrances</u>	<u>Balance</u>	<u>Prct Used</u>
4107-4200 Contract Services						
4107-4201 Contract Serv/Private	82,812.00	0.00	0.00	0.00	82,812.00	0.00
<b>Total Local Coastal Assistance Grant</b>	<b>82,812.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>82,812.00</b>	<b>0.00</b>

**Expenditure Status Report**

CITY OF HERMOSA BEACH  
 7/1/2018 through 11/30/2018

150 Grants Fund

4210 Systemic Safety Analysis Report Program

<u>Account Number</u>	<u>Adjusted Appropriation</u>	<u>Expenditures</u>	<u>Year-to-date Expenditures</u>	<u>Year-to-date Encumbrances</u>	<u>Balance</u>	<u>Prct Used</u>
4210-4200 Contract Services						
4210-4201 Contract Serv/Private	84,150.00	0.00	0.00	0.00	84,150.00	0.00
<b>Total Systemic Safety Analysis Report Program</b>	<b>84,150.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>84,150.00</b>	<b>0.00</b>



**Expenditure Status Report**

CITY OF HERMOSA BEACH  
 7/1/2018 through 11/30/2018

150 Grants Fund

8173 8th Street Improvements

<u>Account Number</u>	<u>Adjusted Appropriation</u>	<u>Expenditures</u>	<u>Year-to-date Expenditures</u>	<u>Year-to-date Encumbrances</u>	<u>Balance</u>	<u>Prct Used</u>
8173-4200 Contract Services						
8173-4201 Contract Serv/Private	354,535.00	0.00	0.00	0.00	354,535.00	0.00
<b>Total 8th Street Improvements</b>	<b>354,535.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>354,535.00</b>	<b>0.00</b>

**Expenditure Status Report**

CITY OF HERMOSA BEACH  
 7/1/2018 through 11/30/2018

150 Grants Fund

8184 St Imp/21st Btwn PCH/Ardmore

<u>Account Number</u>	<u>Adjusted Appropriation</u>	<u>Expenditures</u>	<u>Year-to-date Expenditures</u>	<u>Year-to-date Encumbrances</u>	<u>Balance</u>	<u>Prct Used</u>
8184-4200 Contract Services						
8184-4201 Contract Serv/Private	98,152.00	0.00	0.00	0.00	98,152.00	0.00
<b>Total St Imp/21st Btwn PCH/Ardmore</b>	<b>98,152.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>98,152.00</b>	<b>0.00</b>

**Expenditure Status Report**

CITY OF HERMOSA BEACH  
 7/1/2018 through 11/30/2018

150 Grants Fund

8185 ADA Improvements- PCH between 2nd & 21st

<u>Account Number</u>	<u>Adjusted Appropriation</u>	<u>Expenditures</u>	<u>Year-to-date Expenditures</u>	<u>Year-to-date Encumbrances</u>	<u>Balance</u>	<u>Prct Used</u>
8185-4200 Contract Services						
8185-4201 Contract Serv/Private	287,260.00	504.00	504.00	0.00	286,756.00	0.18
<b>Total ADA Improvements- PCH between 2nd &amp; 21st</b>	<b>287,260.00</b>	<b>504.00</b>	<b>504.00</b>	<b>0.00</b>	<b>286,756.00</b>	<b>0.18</b>

**Expenditure Status Report**

CITY OF HERMOSA BEACH  
 7/1/2018 through 11/30/2018

150 Grants Fund

8540 South Park Phase II

<u>Account Number</u>	<u>Adjusted Appropriation</u>	<u>Expenditures</u>	<u>Year-to-date Expenditures</u>	<u>Year-to-date Encumbrances</u>	<u>Balance</u>	<u>Prct Used</u>
8540-4200 Contract Services						
8540-4201 Contract Serv/Private	0.00	0.00	0.00	0.00	0.00	0.00
<b>Total South Park Phase II</b>	0.00	0.00	0.00	0.00	0.00	0.00

**Expenditure Status Report**

CITY OF HERMOSA BEACH  
 7/1/2018 through 11/30/2018

150 Grants Fund

8542 Stormwater/Urban Run-off Diversion Proj

<u>Account Number</u>	<u>Adjusted Appropriation</u>	<u>Expenditures</u>	<u>Year-to-date Expenditures</u>	<u>Year-to-date Encumbrances</u>	<u>Balance</u>	<u>Prct Used</u>
8542-4200 Contract Services						
8542-4201 Contract Serv/Private	3,762,387.00	16,060.55	16,060.55	0.00	3,746,326.45	0.43
<b>Total Stormwater/Urban Run-off Diversion Proj</b>	<b>3,762,387.00</b>	<b>16,060.55</b>	<b>16,060.55</b>	<b>0.00</b>	<b>3,746,326.45</b>	<b>0.43</b>

**Expenditure Status Report**

CITY OF HERMOSA BEACH  
 7/1/2018 through 11/30/2018

150 Grants Fund

8668 Library Community Needs Assessment

<u>Account Number</u>	<u>Adjusted Appropriation</u>	<u>Expenditures</u>	<u>Year-to-date Expenditures</u>	<u>Year-to-date Encumbrances</u>	<u>Balance</u>	<u>Prct Used</u>
8668-4200 Contract Services						
8668-4201 Contract Serv/Private	42,522.00	0.00	0.00	0.00	42,522.00	0.00
<b>Total Library Community Needs Assessment</b>	<b>42,522.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>42,522.00</b>	<b>0.00</b>

**Expenditure Status Report**

CITY OF HERMOSA BEACH  
 7/1/2018 through 11/30/2018

150 Grants Fund

8682 Electric Vehicle, Bicycle Transportation

<u>Account Number</u>	<u>Adjusted Appropriation</u>	<u>Expenditures</u>	<u>Year-to-date Expenditures</u>	<u>Year-to-date Encumbrances</u>	<u>Balance</u>	<u>Prct Used</u>
8682-4200 Contract Services						
8682-4201 Contract Serv/Private	162,977.00	6,927.20	6,927.20	0.00	156,049.80	4.25
<b>Total</b> Electric Vehicle, Bicycle Transportation	162,977.00	6,927.20	6,927.20	0.00	156,049.80	4.25
<b>Total</b> Grants Fund	5,029,074.00	51,001.80	51,001.80	0.00	4,978,072.20	1.01

**Expenditure Status Report**

CITY OF HERMOSA BEACH  
 7/1/2018 through 11/30/2018

**152 Air Quality Mgmt Dist Fund**

**3701 Emission Control**

<u>Account Number</u>	<u>Adjusted Appropriation</u>	<u>Expenditures</u>	<u>Year-to-date Expenditures</u>	<u>Year-to-date Encumbrances</u>	<u>Balance</u>	<u>Prct Used</u>
3701-4200 Contract Services						
3701-4201 Contract Serv/Private	0.00	0.00	0.00	0.00	0.00	0.00
<b>Total Contract Services</b>	0.00	0.00	0.00	0.00	0.00	0.00
3701-4300 Materials/Supplies/Other						
3701-4327 AQMD Incentives	28,000.00	1,890.00	1,890.00	0.00	26,110.00	6.75
<b>Total Materials/Supplies/Other</b>	28,000.00	1,890.00	1,890.00	0.00	26,110.00	6.75
3701-4900 Depreciation						
3701-4902 Depreciation/Vehicles	0.00	0.00	0.00	0.00	0.00	0.00
<b>Total Depreciation</b>	0.00	0.00	0.00	0.00	0.00	0.00
3701-5400 Equipment/Furniture						
3701-5403 Vehicles	35,000.00	0.00	0.00	0.00	35,000.00	0.00
<b>Total Equipment/Furniture</b>	35,000.00	0.00	0.00	0.00	35,000.00	0.00
<b>Total Air Quality Mgmt Dist Fund</b>	63,000.00	1,890.00	1,890.00	0.00	61,110.00	3.00



Expenditure Status Report

CITY OF HERMOSA BEACH  
 7/1/2018 through 11/30/2018

153 Supp Law Enf Serv Fund (SLESF)

2106 C.O.P.S. Program

<u>Account Number</u>	<u>Adjusted Appropriation</u>	<u>Expenditures</u>	<u>Year-to-date Expenditures</u>	<u>Year-to-date Encumbrances</u>	<u>Balance</u>	<u>Prct Used</u>
2106-4200 Contract Services						
2106-4201 Contract Serv/Private	58,456.00	17,105.35	17,105.35	0.00	41,350.65	29.26
2106-4251 Contract Services/Govt	0.00	0.00	0.00	0.00	0.00	0.00
<b>Total Contract Services</b>	<b>58,456.00</b>	<b>17,105.35</b>	<b>17,105.35</b>	<b>0.00</b>	<b>41,350.65</b>	<b>29.26</b>
2106-4300 Materials/Supplies/Other						
2106-4311 Auto Maintenance	0.00	0.00	0.00	0.00	0.00	0.00
2106-4314 Uniforms	0.00	0.00	0.00	0.00	0.00	0.00
2106-4315 Membership	0.00	0.00	0.00	0.00	0.00	0.00
2106-4317 Conference/Training	0.00	0.00	0.00	0.00	0.00	0.00
2106-4350 Safety Gear	0.00	0.00	0.00	0.00	0.00	0.00
<b>Total Materials/Supplies/Other</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>
2106-4900 Depreciation						
2106-4901 Depreciation/Mach/Equipment	0.00	0.00	0.00	0.00	0.00	0.00
<b>Total Depreciation</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>
2106-5400 Equipment/Furniture						
2106-5401 Equip-Less Than \$1,000	0.00	3,160.00	3,160.00	0.00	-3,160.00	0.00
2106-5402 Equip-More Than \$1,000	0.00	0.00	0.00	0.00	0.00	0.00
2106-5403 Vehicles	0.00	0.00	0.00	0.00	0.00	0.00
2106-5405 Equipment more than \$5,000	182,192.00	61,751.50	61,751.50	0.00	120,440.50	33.89
<b>Total Equipment/Furniture</b>	<b>182,192.00</b>	<b>64,911.50</b>	<b>64,911.50</b>	<b>0.00</b>	<b>117,280.50</b>	<b>35.63</b>
2106-5600 Buildings/Improvements						
2106-5601 Buildings	0.00	0.00	0.00	0.00	0.00	0.00
2106-5602 Imprvmnts Other Than Bldgs	0.00	0.00	0.00	0.00	0.00	0.00
<b>Total Buildings/Improvements</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>
<b>Total Supp Law Enf Serv Fund (SLESF)</b>	<b>240,648.00</b>	<b>82,016.85</b>	<b>82,016.85</b>	<b>0.00</b>	<b>158,631.15</b>	<b>34.08</b>

**Expenditure Status Report**

CITY OF HERMOSA BEACH  
 7/1/2018 through 11/30/2018

160 Sewer Fund

1219 Administrative Charges

<u>Account Number</u>	<u>Adjusted Appropriation</u>	<u>Expenditures</u>	<u>Year-to-date Expenditures</u>	<u>Year-to-date Encumbrances</u>	<u>Balance</u>	<u>Prct Used</u>
1219-4200 Contract Services						
1219-4201 Contract Serv/Private	0.00	0.00	0.00	0.00	0.00	0.00
<b>Total Administrative Charges</b>	0.00	0.00	0.00	0.00	0.00	0.00

Expenditure Status Report

CITY OF HERMOSA BEACH  
 7/1/2018 through 11/30/2018

160 Sewer Fund

3102 Sewers/Storm Drains

<u>Account Number</u>	<u>Adjusted Appropriation</u>	<u>Expenditures</u>	<u>Year-to-date Expenditures</u>	<u>Year-to-date Encumbrances</u>	<u>Balance</u>	<u>Prct Used</u>
3102-4100 Personal Services						
3102-4102 Regular Salaries	75,768.00	31,061.74	31,061.74	0.00	44,706.26	41.00
3102-4106 Regular Overtime	410.00	112.50	112.50	0.00	297.50	27.44
3102-4111 Accrual Cash In	7,125.00	2,517.42	2,517.42	0.00	4,607.58	35.33
3102-4112 Part Time/Temporary	0.00	620.64	620.64	0.00	-620.64	0.00
3102-4180 Retirement	16,733.00	3,436.16	3,436.16	0.00	13,296.84	20.54
3102-4187 Uniform Allowance	0.00	0.00	0.00	0.00	0.00	0.00
3102-4188 Employee Benefits	11,982.00	4,846.58	4,846.58	0.00	7,135.42	40.45
3102-4189 Medicare Benefits	1,115.00	509.38	509.38	0.00	605.62	45.68
3102-4190 Other Post Employment Benefits (OPEB)	3,626.00	1,510.85	1,510.85	0.00	2,115.15	41.67
<b>Total Personal Services</b>	<b>116,759.00</b>	<b>44,615.27</b>	<b>44,615.27</b>	<b>0.00</b>	<b>72,143.73</b>	<b>38.21</b>
3102-4200 Contract Services						
3102-4201 Contract Serv/Private	255,910.00	49,833.74	49,833.74	0.00	206,076.26	19.47
3102-4251 Contract Service/Govt	4,231.00	0.00	0.00	0.00	4,231.00	0.00
<b>Total Contract Services</b>	<b>260,141.00</b>	<b>49,833.74</b>	<b>49,833.74</b>	<b>0.00</b>	<b>210,307.26</b>	<b>19.16</b>
3102-4300 Materials/Supplies/Other						
3102-4303 Utilities	695.00	0.00	0.00	0.00	695.00	0.00
3102-4309 Maintenance Materials	7,600.00	367.88	367.88	0.00	7,232.12	4.84
3102-4394 Building Maintenance Charges	267.00	110.00	110.00	0.00	157.00	41.20
3102-4395 Equip Replacement Charges	34,371.00	14,321.25	14,321.25	0.00	20,049.75	41.67
3102-4396 Insurance User Charges	23,110.00	9,630.00	9,630.00	0.00	13,480.00	41.67
<b>Total Materials/Supplies/Other</b>	<b>66,043.00</b>	<b>24,429.13</b>	<b>24,429.13</b>	<b>0.00</b>	<b>41,613.87</b>	<b>36.99</b>
3102-4900 Depreciation						
3102-4901 Depreciation/Mach/Equipment	0.00	0.00	0.00	0.00	0.00	0.00
<b>Total Depreciation</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>
3102-5400 Equipment/Furniture						

**Expenditure Status Report**

CITY OF HERMOSA BEACH  
 7/1/2018 through 11/30/2018

160 Sewer Fund

3102 Sewers/Storm Drains

<i>Account Number</i>	<i>Adjusted Appropriation</i>	<i>Expenditures</i>	<i>Year-to-date Expenditures</i>	<i>Year-to-date Encumbrances</i>	<i>Balance</i>	<i>Prct Used</i>
3102-5402 Equip-More Than \$1,000	0.00	0.00	0.00	0.00	0.00	0.00
<b>Total Equipment/Furniture</b>	0.00	0.00	0.00	0.00	0.00	0.00
<b>Total Sewers/Storm Drains</b>	442,943.00	118,878.14	118,878.14	0.00	324,064.86	26.84

**Expenditure Status Report**

CITY OF HERMOSA BEACH  
 7/1/2018 through 11/30/2018

160 Sewer Fund  
 3105 Used Oil Block Grant

<u>Account Number</u>	<u>Adjusted Appropriation</u>	<u>Expenditures</u>	<u>Year-to-date Expenditures</u>	<u>Year-to-date Encumbrances</u>	<u>Balance</u>	<u>Prct Used</u>
3105-4200 Contract Services						
3105-4201 Contract Serv/Private	12,181.00	575.67	575.67	0.00	11,605.33	4.73
<b>Total Used Oil Block Grant</b>	<b>12,181.00</b>	<b>575.67</b>	<b>575.67</b>	<b>0.00</b>	<b>11,605.33</b>	<b>4.73</b>

**Expenditure Status Report**

CITY OF HERMOSA BEACH  
 7/1/2018 through 11/30/2018

160 Sewer Fund

8403 Sewer Improvements Various Locations

<u>Account Number</u>	<u>Adjusted Appropriation</u>	<u>Expenditures</u>	<u>Year-to-date Expenditures</u>	<u>Year-to-date Encumbrances</u>	<u>Balance</u>	<u>Prct Used</u>
8403-4100 Personal Services						
8403-4102 Regular Salaries	0.00	0.00	0.00	0.00	0.00	0.00
8403-4106 Regular Overtime	0.00	0.00	0.00	0.00	0.00	0.00
8403-4112 Part Time Temporary	0.00	0.00	0.00	0.00	0.00	0.00
8403-4180 Retirement	0.00	0.00	0.00	0.00	0.00	0.00
8403-4189 Medicare Benefits	0.00	0.00	0.00	0.00	0.00	0.00
<b>Total Personal Services</b>	0.00	0.00	0.00	0.00	0.00	0.00
8403-4200 Contract Services						
8403-4201 Contract Serv/Private	20,377.00	0.00	0.00	0.00	20,377.00	0.00
<b>Total Sewer Improvements Various Locations</b>	20,377.00	0.00	0.00	0.00	20,377.00	0.00

**Expenditure Status Report**

CITY OF HERMOSA BEACH  
 7/1/2018 through 11/30/2018

160 Sewer Fund

8416 Sewer Improvements Various Locations

<u>Account Number</u>	<u>Adjusted Appropriation</u>	<u>Expenditures</u>	<u>Year-to-date Expenditures</u>	<u>Year-to-date Encumbrances</u>	<u>Balance</u>	<u>Prct Used</u>
8416-4200 Contract Services						
8416-4201 Contract Serv/Private	1,260,000.00	114,252.32	114,252.32	0.00	1,145,747.68	9.07
<b>Total Sewer Improvements Various Locations</b>	<b>1,260,000.00</b>	<b>114,252.32</b>	<b>114,252.32</b>	<b>0.00</b>	<b>1,145,747.68</b>	<b>9.07</b>

**Expenditure Status Report**

CITY OF HERMOSA BEACH  
 7/1/2018 through 11/30/2018

160 Sewer Fund

8692 14th Street Beach Restroom Rehab

<u>Account Number</u>	<u>Adjusted Appropriation</u>	<u>Expenditures</u>	<u>Year-to-date Expenditures</u>	<u>Year-to-date Encumbrances</u>	<u>Balance</u>	<u>Prct Used</u>
8692-4200 Contract Services						
8692-4201 Contract Serv/Private	110,000.00	0.00	0.00	0.00	110,000.00	0.00
<b>Total 14th Street Beach Restroom Rehab</b>	110,000.00	0.00	0.00	0.00	110,000.00	0.00
<b>Total Sewer Fund</b>	1,845,501.00	233,706.13	233,706.13	0.00	1,611,794.87	12.66



**Expenditure Status Report**

CITY OF HERMOSA BEACH  
 7/1/2018 through 11/30/2018

**161 Storm Drains Fund**

**3109 Storm Drain**

<u>Account Number</u>	<u>Adjusted Appropriation</u>	<u>Expenditures</u>	<u>Year-to-date Expenditures</u>	<u>Year-to-date Encumbrances</u>	<u>Balance</u>	<u>Prct Used</u>
3109-4100 Personal Services						
3109-4102 Regular Salaries	69,416.00	29,471.69	29,471.69	0.00	39,944.31	42.46
3109-4106 Regular Overtime	1,500.00	112.50	112.50	0.00	1,387.50	7.50
3109-4111 Accrual Cash In	5,464.00	2,472.32	2,472.32	0.00	2,991.68	45.25
3109-4112 Part Time Temporary	0.00	3,103.10	3,103.10	0.00	-3,103.10	0.00
3109-4180 Retirement	13,884.00	3,249.46	3,249.46	0.00	10,634.54	23.40
3109-4187 Uniform Allowance	0.00	0.00	0.00	0.00	0.00	0.00
3109-4188 Employee Benefits	10,398.00	4,540.99	4,540.99	0.00	5,857.01	43.67
3109-4189 Medicare Benefits	1,022.00	521.52	521.52	0.00	500.48	51.03
3109-4190 Other Post Employment Benefits/OPEB	3,065.00	1,277.10	1,277.10	0.00	1,787.90	41.67
<b>Total Personal Services</b>	<b>104,749.00</b>	<b>44,748.68</b>	<b>44,748.68</b>	<b>0.00</b>	<b>60,000.32</b>	<b>42.72</b>
3109-4200 Contract Services						
3109-4201 Contract Serv/Private	154,100.00	13,443.90	13,443.90	0.00	140,656.10	8.72
3109-4251 Contract Services/Gov't	9,594.00	0.00	0.00	0.00	9,594.00	0.00
<b>Total Contract Services</b>	<b>163,694.00</b>	<b>13,443.90</b>	<b>13,443.90</b>	<b>0.00</b>	<b>150,250.10</b>	<b>8.21</b>
3109-4300 Materials/Supplies/Other						
3109-4303 Utilities	0.00	0.00	0.00	0.00	0.00	0.00
3109-4309 Maintenance Materials	3,800.00	2,424.55	2,424.55	0.00	1,375.45	63.80
3109-4394 Building Maintenance Charges	400.00	165.00	165.00	0.00	235.00	41.25
3109-4395 Equip Replacement Chrgs	35,401.00	14,750.40	14,750.40	0.00	20,650.60	41.67
3109-4396 Insurance User Charges	11,079.00	4,615.00	4,615.00	0.00	6,464.00	41.66
<b>Total Materials/Supplies/Other</b>	<b>50,680.00</b>	<b>21,954.95</b>	<b>21,954.95</b>	<b>0.00</b>	<b>28,725.05</b>	<b>43.32</b>
<b>Total Storm Drain</b>	<b>319,123.00</b>	<b>80,147.53</b>	<b>80,147.53</b>	<b>0.00</b>	<b>238,975.47</b>	<b>25.11</b>

**Expenditure Status Report**

CITY OF HERMOSA BEACH  
 7/1/2018 through 11/30/2018

161 Storm Drains Fund

8415 Storm Drain Master Plan

<u>Account Number</u>	<u>Adjusted Appropriation</u>	<u>Expenditures</u>	<u>Year-to-date Expenditures</u>	<u>Year-to-date Encumbrances</u>	<u>Balance</u>	<u>Prct Used</u>
8415-4100 Personal Services						
8415-4102 Regular Salaries	0.00	0.00	0.00	0.00	0.00	0.00
8415-4106 Regular Overtime	0.00	0.00	0.00	0.00	0.00	0.00
8415-4112 Part Time Temporary	0.00	0.00	0.00	0.00	0.00	0.00
8415-4180 Retirement	0.00	0.00	0.00	0.00	0.00	0.00
8415-4189 Medicare Benefits	0.00	0.00	0.00	0.00	0.00	0.00
<b>Total Personal Services</b>	0.00	0.00	0.00	0.00	0.00	0.00
8415-4200 Contract Services						
8415-4201 Contract Serv/Private	21,827.00	0.00	0.00	0.00	21,827.00	0.00
<b>Total Storm Drain Master Plan</b>	21,827.00	0.00	0.00	0.00	21,827.00	0.00

**Expenditure Status Report**

CITY OF HERMOSA BEACH  
 7/1/2018 through 11/30/2018

161 Storm Drains Fund

8417 Storm Drain Improvements- Various Locati

<u>Account Number</u>	<u>Adjusted Appropriation</u>	<u>Expenditures</u>	<u>Year-to-date Expenditures</u>	<u>Year-to-date Encumbrances</u>	<u>Balance</u>	<u>Prct Used</u>
8417-4200 Contract Services						
8417-4201 Contract Serv/Private	645,090.00	0.00	0.00	0.00	645,090.00	0.00
<b>Total Storm Drain Improvements- Various Locati</b>	645,090.00	0.00	0.00	0.00	645,090.00	0.00
<b>Total Storm Drains Fund</b>	986,040.00	80,147.53	80,147.53	0.00	905,892.47	8.13

**Expenditure Status Report**

CITY OF HERMOSA BEACH  
 7/1/2018 through 11/30/2018

170 Asset Seizure/Forft Fund

2103 Special Investigations

<u>Account Number</u>	<u>Adjusted Appropriation</u>	<u>Expenditures</u>	<u>Year-to-date Expenditures</u>	<u>Year-to-date Encumbrances</u>	<u>Balance</u>	<u>Prct Used</u>
2103-4900 Depreciation						
2103-4901 Depreciation/Mach/Equipment	0.00	0.00	0.00	0.00	0.00	0.00
2103-4902 Depreciation/Vehicles	0.00	0.00	0.00	0.00	0.00	0.00
2103-4904 Depreciation/Improvements	0.00	0.00	0.00	0.00	0.00	0.00
<b>Total Depreciation</b>	0.00	0.00	0.00	0.00	0.00	0.00
2103-5400 Equipment/Furniture						
2103-5403 Vehicles	0.00	0.00	0.00	0.00	0.00	0.00
2103-5405 Equipment more than \$5,000	0.00	0.00	0.00	0.00	0.00	0.00
<b>Total Special Investigations</b>	0.00	0.00	0.00	0.00	0.00	0.00

**Expenditure Status Report**

CITY OF HERMOSA BEACH  
 7/1/2018 through 11/30/2018

170 Asset Seizure/Forft Fund

2105 Police K-9 Program

<u>Account Number</u>	<u>Adjusted Appropriation</u>	<u>Expenditures</u>	<u>Year-to-date Expenditures</u>	<u>Year-to-date Encumbrances</u>	<u>Balance</u>	<u>Prct Used</u>
2105-4200 Contract Services						
2105-4201 Contract Serv/Private	2,500.00	0.00	0.00	0.00	2,500.00	0.00
<b>Total Contract Services</b>	2,500.00	0.00	0.00	0.00	2,500.00	0.00
2105-4300 Materials/Supplies/Other						
2105-4309 Maintenance Materials	722.00	0.00	0.00	0.00	722.00	0.00
2105-4317 Conference/Training	3,000.00	0.00	0.00	0.00	3,000.00	0.00
<b>Total Materials/Supplies/Other</b>	3,722.00	0.00	0.00	0.00	3,722.00	0.00
2105-4900 Depreciation						
2105-4902 Depreciation/Vehicles	0.00	0.00	0.00	0.00	0.00	0.00
<b>Total Depreciation</b>	0.00	0.00	0.00	0.00	0.00	0.00
2105-5400 Equipment/Furniture						
2105-5401 Equip-Less Than \$1,000	600.00	0.00	0.00	0.00	600.00	0.00
2105-5403 Vehicles	0.00	0.00	0.00	0.00	0.00	0.00
2105-5405 Equipment more than \$5,000	0.00	0.00	0.00	0.00	0.00	0.00
<b>Total Equipment/Furniture</b>	600.00	0.00	0.00	0.00	600.00	0.00
<b>Total Police K-9 Program</b>	6,822.00	0.00	0.00	0.00	6,822.00	0.00

**Expenditure Status Report**

CITY OF HERMOSA BEACH  
 7/1/2018 through 11/30/2018

170 Asset Seizure/Forft Fund

2116 Mounted Patrol Unit

<u>Account Number</u>	<u>Adjusted Appropriation</u>	<u>Expenditures</u>	<u>Year-to-date Expenditures</u>	<u>Year-to-date Encumbrances</u>	<u>Balance</u>	<u>Prct Used</u>
2116-4200 Contract Services						
2116-4201 Contract Serv/Private	4,000.00	0.00	0.00	0.00	4,000.00	0.00
<b>Total Mounted Patrol Unit</b>	4,000.00	0.00	0.00	0.00	4,000.00	0.00
<b>Total Asset Seizure/Forft Fund</b>	10,822.00	0.00	0.00	0.00	10,822.00	0.00

**Expenditure Status Report**

CITY OF HERMOSA BEACH  
 7/1/2018 through 11/30/2018

180 Fire Protection Fund

2202 Fire Protection

<u>Account Number</u>	<u>Adjusted Appropriation</u>	<u>Expenditures</u>	<u>Year-to-date Expenditures</u>	<u>Year-to-date Encumbrances</u>	<u>Balance</u>	<u>Prct Used</u>
2202-4200 Contract Services						
2202-4251 Contract Services/Gov't	56,596.00	23,581.70	23,581.70	0.00	33,014.30	41.67
<b>Total Fire Protection Fund</b>	<b>56,596.00</b>	<b>23,581.70</b>	<b>23,581.70</b>	<b>0.00</b>	<b>33,014.30</b>	<b>41.67</b>

**Expenditure Status Report**

CITY OF HERMOSA BEACH  
 7/1/2018 through 11/30/2018

190 RTI Undersea Cable

6101 Parks

<u>Account Number</u>	<u>Adjusted Appropriation</u>	<u>Expenditures</u>	<u>Year-to-date Expenditures</u>	<u>Year-to-date Encumbrances</u>	<u>Balance</u>	<u>Prct Used</u>
6101-5400 Equipment/Furniture						
6101-5405 Equipment more than \$5,000	0.00	0.00	0.00	0.00	0.00	0.00
<b>Total Parks</b>	0.00	0.00	0.00	0.00	0.00	0.00



**Expenditure Status Report**

CITY OF HERMOSA BEACH  
 7/1/2018 through 11/30/2018

190 RTI Undersea Cable

8173 8th Street Improvements

<u>Account Number</u>	<u>Adjusted Appropriation</u>	<u>Expenditures</u>	<u>Year-to-date Expenditures</u>	<u>Year-to-date Encumbrances</u>	<u>Balance</u>	<u>Prct Used</u>
8173-4200 Contract Services						
8173-4201 Contract Serv/Private	0.00	0.00	0.00	0.00	0.00	0.00
<b>Total 8th Street Improvements</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>

**Expenditure Status Report**

CITY OF HERMOSA BEACH  
 7/1/2018 through 11/30/2018

190 RTI Undersea Cable

8174 Street Improvements Various Locations

<u>Account Number</u>	<u>Adjusted Appropriation</u>	<u>Expenditures</u>	<u>Year-to-date Expenditures</u>	<u>Year-to-date Encumbrances</u>	<u>Balance</u>	<u>Prct Used</u>
8174-4200 Contract Services						
8174-4201 Contract Serv/Private	0.00	0.00	0.00	0.00	0.00	0.00
<b>Total Street Improvements Various Locations</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>

**Expenditure Status Report**

CITY OF HERMOSA BEACH  
 7/1/2018 through 11/30/2018

190 RTI Undersea Cable

8186 Street Improvement Various Locations

<u>Account Number</u>	<u>Adjusted Appropriation</u>	<u>Expenditures</u>	<u>Year-to-date Expenditures</u>	<u>Year-to-date Encumbrances</u>	<u>Balance</u>	<u>Prct Used</u>
8186-4200 Contract Services						
8186-4201 Contract Serv/Private	0.00	0.00	0.00	0.00	0.00	0.00
<b>Total Street Improvement Various Locations</b>	0.00	0.00	0.00	0.00	0.00	0.00

**Expenditure Status Report**

CITY OF HERMOSA BEACH  
 7/1/2018 through 11/30/2018

190 RTI Undersea Cable

8629 Municipal Pier Structural Assess/Repair

<u>Account Number</u>	<u>Adjusted Appropriation</u>	<u>Expenditures</u>	<u>Year-to-date Expenditures</u>	<u>Year-to-date Encumbrances</u>	<u>Balance</u>	<u>Prct Used</u>
8629-4200 Contract Services						
8629-4201 Contract Serv/Private	0.00	0.00	0.00	0.00	0.00	0.00
<b>Total Municipal Pier Structural Assess/Repair</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>

**Expenditure Status Report**

CITY OF HERMOSA BEACH  
 7/1/2018 through 11/30/2018

190 RTI Undersea Cable

8631 14Th. St. Beach Restroom Rehabilitation

<u>Account Number</u>	<u>Adjusted Appropriation</u>	<u>Expenditures</u>	<u>Year-to-date Expenditures</u>	<u>Year-to-date Encumbrances</u>	<u>Balance</u>	<u>Prct Used</u>
8631-4200 Contract Services						
8631-4201 Contract Serv/Private	0.00	0.00	0.00	0.00	0.00	0.00
<b>Total RTI Undersea Cable</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>

**Expenditure Status Report**

CITY OF HERMOSA BEACH  
 7/1/2018 through 11/30/2018

191 RTI Tidelands

8629 Municipal Pier Structural Assess/Repair

<u>Account Number</u>	<u>Adjusted Appropriation</u>	<u>Expenditures</u>	<u>Year-to-date Expenditures</u>	<u>Year-to-date Encumbrances</u>	<u>Balance</u>	<u>Prct Used</u>
8629-4200 Contract Services						
8629-4201 Contract Serv/Private	240,000.00	0.00	0.00	0.00	240,000.00	0.00
<b>Total RTI Tidelands</b>	240,000.00	0.00	0.00	0.00	240,000.00	0.00

**Expenditure Status Report**

CITY OF HERMOSA BEACH  
 7/1/2018 through 11/30/2018

201 2015 Lease Revenue Bonds  
 1220 Legal Settlements- E&B Resources

<u>Account Number</u>	<u>Adjusted Appropriation</u>	<u>Expenditures</u>	<u>Year-to-date Expenditures</u>	<u>Year-to-date Encumbrances</u>	<u>Balance</u>	<u>Prct Used</u>
1220-4200 Contract Services						
1220-4201 Contract Serv/Private	0.00	0.00	0.00	0.00	0.00	0.00
<b>Total Contract Services</b>	0.00	0.00	0.00	0.00	0.00	0.00
1220-6700 Interest						
1220-6701 Interest	333,712.00	172,606.29	172,606.29	0.00	161,105.71	51.72
<b>Total Interest</b>	333,712.00	172,606.29	172,606.29	0.00	161,105.71	51.72
1220-6800 Principal						
1220-6801 Principal Payment	460,000.00	459,825.50	459,825.50	0.00	174.50	99.96
<b>Total Principal</b>	460,000.00	459,825.50	459,825.50	0.00	174.50	99.96
1220-6900 Lease Payments						
1220-6901 Principal Payment	0.00	0.00	0.00	0.00	0.00	0.00
<b>Total Lease Payments</b>	0.00	0.00	0.00	0.00	0.00	0.00
<b>Total 2015 Lease Revenue Bonds</b>	793,712.00	632,431.79	632,431.79	0.00	161,280.21	79.68

**Expenditure Status Report**

CITY OF HERMOSA BEACH  
 7/1/2018 through 11/30/2018

301 Capital Improvement Fund

1201 City Manager

<u>Account Number</u>	<u>Adjusted Appropriation</u>	<u>Expenditures</u>	<u>Year-to-date Expenditures</u>	<u>Year-to-date Encumbrances</u>	<u>Balance</u>	<u>Prct Used</u>
1201-4200 Contract Services						
1201-4201 Contract Serv/Private	0.00	0.00	0.00	0.00	0.00	0.00
<b>Total Contract Services</b>	0.00	0.00	0.00	0.00	0.00	0.00
1201-5400 Equipment/Furniture						
1201-5405 Equipment more than \$5,000	0.00	0.00	0.00	0.00	0.00	0.00
<b>Total City Manager</b>	0.00	0.00	0.00	0.00	0.00	0.00



**Expenditure Status Report**

CITY OF HERMOSA BEACH  
 7/1/2018 through 11/30/2018

301 Capital Improvement Fund

3109 Storm Drains

<u>Account Number</u>	<u>Adjusted Appropriation</u>	<u>Expenditures</u>	<u>Year-to-date Expenditures</u>	<u>Year-to-date Encumbrances</u>	<u>Balance</u>	<u>Prct Used</u>
3109-4200 Contract Services						
3109-4201 Contract Serv/Private	80,000.00	0.00	0.00	0.00	80,000.00	0.00
<b>Total Storm Drains</b>	<b>80,000.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>80,000.00</b>	<b>0.00</b>

**Expenditure Status Report**

CITY OF HERMOSA BEACH  
 7/1/2018 through 11/30/2018

301 Capital Improvement Fund

4202 Public Works Administration

<u>Account Number</u>	<u>Adjusted Appropriation</u>	<u>Expenditures</u>	<u>Year-to-date Expenditures</u>	<u>Year-to-date Encumbrances</u>	<u>Balance</u>	<u>Prct Used</u>
4202-4200 Contract Services						
4202-4201 Contract Serv/Private	75,672.00	18,339.28	18,339.28	0.00	57,332.72	24.24
<b>Total</b> Contract Services	75,672.00	18,339.28	18,339.28	0.00	57,332.72	24.24
4202-5400 Equipment/Furniture						
4202-5405 Equipment more than \$5,000	0.00	0.00	0.00	0.00	0.00	0.00
<b>Total</b> Equipment/Furniture	0.00	0.00	0.00	0.00	0.00	0.00
<b>Total</b> Public Works Administration	75,672.00	18,339.28	18,339.28	0.00	57,332.72	24.24

**Expenditure Status Report**

CITY OF HERMOSA BEACH  
 7/1/2018 through 11/30/2018

301 Capital Improvement Fund

8116 Pier Ave/Hermosa Ave to PCH

<u>Account Number</u>	<u>Adjusted Appropriation</u>	<u>Expenditures</u>	<u>Year-to-date Expenditures</u>	<u>Year-to-date Encumbrances</u>	<u>Balance</u>	<u>Prct Used</u>
8116-4200 Contract Services						
8116-4201 Contract Serv/Private	0.00	0.00	0.00	0.00	0.00	0.00
<b>Total Pier Ave/Hermosa Ave to PCH</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>

**Expenditure Status Report**

CITY OF HERMOSA BEACH  
 7/1/2018 through 11/30/2018

301 Capital Improvement Fund

8129 Pier Avenue/PCH to Ardmore

<u>Account Number</u>	<u>Adjusted Appropriation</u>	<u>Expenditures</u>	<u>Year-to-date Expenditures</u>	<u>Year-to-date Encumbrances</u>	<u>Balance</u>	<u>Prct Used</u>
8129-4200 Contract Services						
8129-4201 Contract Serv/Private	0.00	0.00	0.00	0.00	0.00	0.00
<b>Total Pier Avenue/PCH to Ardmore</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>

**Expenditure Status Report**

CITY OF HERMOSA BEACH  
 7/1/2018 through 11/30/2018

301 Capital Improvement Fund

8141 Gould Avenue Street Improvements

<u>Account Number</u>	<u>Adjusted Appropriation</u>	<u>Expenditures</u>	<u>Year-to-date Expenditures</u>	<u>Year-to-date Encumbrances</u>	<u>Balance</u>	<u>Prct Used</u>
8141-4200 Contract Services						
8141-4201 Contract Serv/Private	0.00	0.00	0.00	0.00	0.00	0.00
<b>Total Gould Avenue Street Improvements</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>

**Expenditure Status Report**

CITY OF HERMOSA BEACH  
 7/1/2018 through 11/30/2018

301 Capital Improvement Fund

8143 PCH Mobility Improvement Project

<u>Account Number</u>	<u>Adjusted Appropriation</u>	<u>Expenditures</u>	<u>Year-to-date Expenditures</u>	<u>Year-to-date Encumbrances</u>	<u>Balance</u>	<u>Prct Used</u>
8143-4200 Contract Services						
8143-4201 Contract Serv/Private	263,437.00	0.00	0.00	0.00	263,437.00	0.00
<b>Total PCH Mobility Improvement Project</b>	<b>263,437.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>263,437.00</b>	<b>0.00</b>

**Expenditure Status Report**

CITY OF HERMOSA BEACH  
 7/1/2018 through 11/30/2018

301 Capital Improvement Fund

8159 St Imprv/Hillcrest & Rhodes

<u>Account Number</u>	<u>Adjusted Appropriation</u>	<u>Expenditures</u>	<u>Year-to-date Expenditures</u>	<u>Year-to-date Encumbrances</u>	<u>Balance</u>	<u>Prct Used</u>
8159-4200 Contract Services						
8159-4201 Contract Serv/Private	0.00	0.00	0.00	0.00	0.00	0.00
<b>Total St Imprv/Hillcrest &amp; Rhodes</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>

**Expenditure Status Report**

CITY OF HERMOSA BEACH  
 7/1/2018 through 11/30/2018

301 Capital Improvement Fund

8160 PCH Traffic Improvements

<u>Account Number</u>	<u>Adjusted Appropriation</u>	<u>Expenditures</u>	<u>Year-to-date Expenditures</u>	<u>Year-to-date Encumbrances</u>	<u>Balance</u>	<u>Prct Used</u>
8160-4200 Contract Services						
8160-4201 Contract Serv/Private	0.00	0.00	0.00	0.00	0.00	0.00
<b>Total PCH Traffic Improvements</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>



**Expenditure Status Report**

CITY OF HERMOSA BEACH  
 7/1/2018 through 11/30/2018

301 Capital Improvement Fund

8162 Green Ally and Beach Quality Improvement

<u>Account Number</u>	<u>Adjusted Appropriation</u>	<u>Expenditures</u>	<u>Year-to-date Expenditures</u>	<u>Year-to-date Encumbrances</u>	<u>Balance</u>	<u>Prct Used</u>
8162-4200 Contract Services						
8162-4201 Contract Serv/Private	187,500.00	0.00	0.00	0.00	187,500.00	0.00
<b>Total Green Ally and Beach Quality Improvement</b>	<b>187,500.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>187,500.00</b>	<b>0.00</b>

**Expenditure Status Report**

CITY OF HERMOSA BEACH  
 7/1/2018 through 11/30/2018

301 Capital Improvement Fund

8173 8th Street Improvements

<u>Account Number</u>	<u>Adjusted Appropriation</u>	<u>Expenditures</u>	<u>Year-to-date Expenditures</u>	<u>Year-to-date Encumbrances</u>	<u>Balance</u>	<u>Prct Used</u>
8173-4200 Contract Services						
8173-4201 Contract Serv/Private	308,438.00	0.00	0.00	0.00	308,438.00	0.00
<b>Total 8th Street Improvements</b>	<b>308,438.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>308,438.00</b>	<b>0.00</b>

**Expenditure Status Report**

CITY OF HERMOSA BEACH  
 7/1/2018 through 11/30/2018

301 Capital Improvement Fund

8174 Street Improvements Various Locations

<u>Account Number</u>	<u>Adjusted Appropriation</u>	<u>Expenditures</u>	<u>Year-to-date Expenditures</u>	<u>Year-to-date Encumbrances</u>	<u>Balance</u>	<u>Prct Used</u>
8174-4200 Contract Services						
8174-4201 Contract Serv/Private	0.00	0.00	0.00	0.00	0.00	0.00
<b>Total Street Improvements Various Locations</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>

**Expenditure Status Report**

CITY OF HERMOSA BEACH  
 7/1/2018 through 11/30/2018

301 Capital Improvement Fund

8186 Street Improvement Various Locations

<u>Account Number</u>	<u>Adjusted Appropriation</u>	<u>Expenditures</u>	<u>Year-to-date Expenditures</u>	<u>Year-to-date Encumbrances</u>	<u>Balance</u>	<u>Prct Used</u>
8186-4200 Contract Services						
8186-4201 Contract Serv/Private	0.00	0.00	0.00	0.00	0.00	0.00
<b>Total</b> Street Improvement Various Locations	0.00	0.00	0.00	0.00	0.00	0.00

**Expenditure Status Report**

CITY OF HERMOSA BEACH  
 7/1/2018 through 11/30/2018

301 Capital Improvement Fund

8187 Stamped Concrete Replacement -Strand

<u>Account Number</u>	<u>Adjusted Appropriation</u>	<u>Expenditures</u>	<u>Year-to-date Expenditures</u>	<u>Year-to-date Encumbrances</u>	<u>Balance</u>	<u>Prct Used</u>
8187-4200 Contract Services						
8187-4201 Contract Serv/Private	140,000.00	0.00	0.00	0.00	140,000.00	0.00
<b>Total Stamped Concrete Replacement -Strand</b>	140,000.00	0.00	0.00	0.00	140,000.00	0.00

**Expenditure Status Report**

CITY OF HERMOSA BEACH  
 7/1/2018 through 11/30/2018

301 Capital Improvement Fund

8188 Strand Bikeway/Walkway Improvements- 35th

<u>Account Number</u>	<u>Adjusted Appropriation</u>	<u>Expenditures</u>	<u>Year-to-date Expenditures</u>	<u>Year-to-date Encumbrances</u>	<u>Balance</u>	<u>Prct Used</u>
8188-4200 Contract Services						
8188-4201 Contract Serv/Private	0.00	0.00	0.00	0.00	0.00	0.00
<b>Total Strand Bikeway/Walkway Improvements- 35th</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>

**Expenditure Status Report**

CITY OF HERMOSA BEACH  
 7/1/2018 through 11/30/2018

301 Capital Improvement Fund

8189 St Improvements/Myrtle Area

<u>Account Number</u>	<u>Adjusted Appropriation</u>	<u>Expenditures</u>	<u>Year-to-date Expenditures</u>	<u>Year-to-date Encumbrances</u>	<u>Balance</u>	<u>Prct Used</u>
8189-4200 Contract Services						
8189-4201 Contract Serv/Private	0.00	0.00	0.00	0.00	0.00	0.00
<b>Total St Improvements/Myrtle Area</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>

**Expenditure Status Report**

CITY OF HERMOSA BEACH  
 7/1/2018 through 11/30/2018

301 Capital Improvement Fund

8402 Sewer Improvements- Various Locations

<u>Account Number</u>	<u>Adjusted Appropriation</u>	<u>Expenditures</u>	<u>Year-to-date Expenditures</u>	<u>Year-to-date Encumbrances</u>	<u>Balance</u>	<u>Prct Used</u>
8402-4200 Contract Services						
8402-4201 Contract Serv/Private	0.00	0.00	0.00	0.00	0.00	0.00
<b>Total Sewer Improvements- Various Locations</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>



**Expenditure Status Report**

CITY OF HERMOSA BEACH  
 7/1/2018 through 11/30/2018

301 Capital Improvement Fund

8504 Greenbelt Root Barrier System

<u>Account Number</u>	<u>Adjusted Appropriation</u>	<u>Expenditures</u>	<u>Year-to-date Expenditures</u>	<u>Year-to-date Encumbrances</u>	<u>Balance</u>	<u>Prct Used</u>
8504-4200 Contract Services						
8504-4201 Contract Serv/Private	0.00	0.00	0.00	0.00	0.00	0.00
<b>Total Greenbelt Root Barrier System</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>

**Expenditure Status Report**

CITY OF HERMOSA BEACH  
 7/1/2018 through 11/30/2018

301 Capital Improvement Fund

8542 Stormwater/Urban Run-Off Diversion Proj

<u>Account Number</u>	<u>Adjusted Appropriation</u>	<u>Expenditures</u>	<u>Year-to-date Expenditures</u>	<u>Year-to-date Encumbrances</u>	<u>Balance</u>	<u>Prct Used</u>
8542-4200 Contract Services						
8542-4201 Contract Serv/Private	421,618.00	2,528.05	2,528.05	0.00	419,089.95	0.60
<b>Total Stormwater/Urban Run-Off Diversion Proj</b>	<b>421,618.00</b>	<b>2,528.05</b>	<b>2,528.05</b>	<b>0.00</b>	<b>419,089.95</b>	<b>0.60</b>

**Expenditure Status Report**

CITY OF HERMOSA BEACH  
 7/1/2018 through 11/30/2018

301 Capital Improvement Fund

8544 Feasibility. Greenbelt Path

<u>Account Number</u>	<u>Adjusted Appropriation</u>	<u>Expenditures</u>	<u>Year-to-date Expenditures</u>	<u>Year-to-date Encumbrances</u>	<u>Balance</u>	<u>Prct Used</u>
8544-4200 Contract Services						
8544-4201 Contract Serv/Private	10,000.00	0.00	0.00	0.00	10,000.00	0.00
<b>Total Feasibility. Greenbelt Path</b>	<b>10,000.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>10,000.00</b>	<b>0.00</b>

**Expenditure Status Report**

CITY OF HERMOSA BEACH  
 7/1/2018 through 11/30/2018

301 Capital Improvement Fund

8605 Pkg Lot Paving-75-14Th St

<u>Account Number</u>	<u>Adjusted Appropriation</u>	<u>Expenditures</u>	<u>Year-to-date Expenditures</u>	<u>Year-to-date Encumbrances</u>	<u>Balance</u>	<u>Prct Used</u>
8605-4200 Contract Services						
8605-4201 Contract Serv/Private	0.00	0.00	0.00	0.00	0.00	0.00
<b>Total Pkg Lot Paving-75-14Th St</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>

**Expenditure Status Report**

CITY OF HERMOSA BEACH  
 7/1/2018 through 11/30/2018

301 Capital Improvement Fund

8609 Downtown Strategic Plan Implementation

<u>Account Number</u>	<u>Adjusted Appropriation</u>	<u>Expenditures</u>	<u>Year-to-date Expenditures</u>	<u>Year-to-date Encumbrances</u>	<u>Balance</u>	<u>Prct Used</u>
8609-4200 Contract Services						
8609-4201 Contract Serv/Private	559,055.00	0.00	0.00	0.00	559,055.00	0.00
<b>Total Downtown Strategic Plan Implementation</b>	<b>559,055.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>559,055.00</b>	<b>0.00</b>

**Expenditure Status Report**

CITY OF HERMOSA BEACH  
 7/1/2018 through 11/30/2018

301 Capital Improvement Fund

8611 City Hall Replacement

<u>Account Number</u>	<u>Adjusted Appropriation</u>	<u>Expenditures</u>	<u>Year-to-date Expenditures</u>	<u>Year-to-date Encumbrances</u>	<u>Balance</u>	<u>Prct Used</u>
8611-4200 Contract Services						
8611-4201 Contract Serv/Private	0.00	0.00	0.00	0.00	0.00	0.00
<b>Total City Hall Replacement</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>

**Expenditure Status Report**

CITY OF HERMOSA BEACH  
 7/1/2018 through 11/30/2018

301 Capital Improvement Fund

8614 Police Facilities Improvements

<u>Account Number</u>	<u>Adjusted Appropriation</u>	<u>Expenditures</u>	<u>Year-to-date Expenditures</u>	<u>Year-to-date Encumbrances</u>	<u>Balance</u>	<u>Prct Used</u>
8614-4200 Contract Services						
8614-4201 Contract Serv/Private	95,280.00	23,076.76	23,076.76	0.00	72,203.24	24.22
<b>Total Police Facilities Improvements</b>	<b>95,280.00</b>	<b>23,076.76</b>	<b>23,076.76</b>	<b>0.00</b>	<b>72,203.24</b>	<b>24.22</b>

**Expenditure Status Report**

CITY OF HERMOSA BEACH  
 7/1/2018 through 11/30/2018

301 Capital Improvement Fund

8615 New Corporate Yard Facility

<u>Account Number</u>	<u>Adjusted Appropriation</u>	<u>Expenditures</u>	<u>Year-to-date Expenditures</u>	<u>Year-to-date Encumbrances</u>	<u>Balance</u>	<u>Prct Used</u>
8615-4200 Contract Services						
8615-4201 Contract Serv/Private	173,142.00	2,212.00	2,212.00	0.00	170,930.00	1.28
<b>Total New Corporate Yard Facility</b>	<b>173,142.00</b>	<b>2,212.00</b>	<b>2,212.00</b>	<b>0.00</b>	<b>170,930.00</b>	<b>1.28</b>



**Expenditure Status Report**

CITY OF HERMOSA BEACH  
 7/1/2018 through 11/30/2018

301 Capital Improvement Fund

8618 Police Building Replacement

<u>Account Number</u>	<u>Adjusted Appropriation</u>	<u>Expenditures</u>	<u>Year-to-date Expenditures</u>	<u>Year-to-date Encumbrances</u>	<u>Balance</u>	<u>Prct Used</u>
8618-4200 Contract Services						
8618-4201 Contract Serv/Private	0.00	0.00	0.00	0.00	0.00	0.00
<b>Total Police Building Replacement</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>

**Expenditure Status Report**

CITY OF HERMOSA BEACH  
 7/1/2018 through 11/30/2018

301 Capital Improvement Fund

8632 Fire Department Tower Demolition

<u>Account Number</u>	<u>Adjusted Appropriation</u>	<u>Expenditures</u>	<u>Year-to-date Expenditures</u>	<u>Year-to-date Encumbrances</u>	<u>Balance</u>	<u>Prct Used</u>
8632-4200 Contract Services						
8632-4201 Contract Serv/Private	0.00	0.00	0.00	0.00	0.00	0.00
<b>Total</b> Fire Department Tower Demolition	0.00	0.00	0.00	0.00	0.00	0.00

**Expenditure Status Report**

CITY OF HERMOSA BEACH  
 7/1/2018 through 11/30/2018

301 Capital Improvement Fund

8650 Community Center Gen Improv- Phase III

<u>Account Number</u>	<u>Adjusted Appropriation</u>	<u>Expenditures</u>	<u>Year-to-date Expenditures</u>	<u>Year-to-date Encumbrances</u>	<u>Balance</u>	<u>Prct Used</u>
8650-4200 Contract Services						
8650-4201 Contract Serv/Private	149,039.00	535.32	535.32	0.00	148,503.68	0.36
<b>Total Community Center Gen Improv- Phase III</b>	149,039.00	535.32	535.32	0.00	148,503.68	0.36

**Expenditure Status Report**

CITY OF HERMOSA BEACH  
 7/1/2018 through 11/30/2018

301 Capital Improvement Fund

8657 Lawn Bowling Lighting

<u>Account Number</u>	<u>Adjusted Appropriation</u>	<u>Expenditures</u>	<u>Year-to-date Expenditures</u>	<u>Year-to-date Encumbrances</u>	<u>Balance</u>	<u>Prct Used</u>
8657-4200 Contract Services						
8657-4201 Contract Serv/Private	0.00	0.00	0.00	0.00	0.00	0.00
<b>Total Lawn Bowling Lighting</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>

**Expenditure Status Report**

CITY OF HERMOSA BEACH  
 7/1/2018 through 11/30/2018

301 Capital Improvement Fund

8660 Municipal Pier Electrical Repairs

<u>Account Number</u>	<u>Adjusted Appropriation</u>	<u>Expenditures</u>	<u>Year-to-date Expenditures</u>	<u>Year-to-date Encumbrances</u>	<u>Balance</u>	<u>Prct Used</u>
8660-4200 Contract Services						
8660-4201 Contract Serv/Private	259,711.00	0.00	0.00	0.00	259,711.00	0.00
<b>Total Municipal Pier Electrical Repairs</b>	<b>259,711.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>259,711.00</b>	<b>0.00</b>

**Expenditure Status Report**

CITY OF HERMOSA BEACH  
 7/1/2018 through 11/30/2018

301 Capital Improvement Fund

8664 City Fac. Condition Assessm.& Asbesto Rp

<u>Account Number</u>	<u>Adjusted Appropriation</u>	<u>Expenditures</u>	<u>Year-to-date Expenditures</u>	<u>Year-to-date Encumbrances</u>	<u>Balance</u>	<u>Prct Used</u>
8664-4200 Contract Services						
8664-4201 Contract Serv/Private	0.00	0.00	0.00	0.00	0.00	0.00
<b>Total</b> City Fac. Condition Assessm.& Asbesto Rp	0.00	0.00	0.00	0.00	0.00	0.00

**Expenditure Status Report**

CITY OF HERMOSA BEACH  
 7/1/2018 through 11/30/2018

301 Capital Improvement Fund

8669 City Park Restroom Renovations

<u>Account Number</u>	<u>Adjusted Appropriation</u>	<u>Expenditures</u>	<u>Year-to-date Expenditures</u>	<u>Year-to-date Encumbrances</u>	<u>Balance</u>	<u>Prct Used</u>
8669-4200 Contract Services						
8669-4201 Contract Serv/Private	1,055,994.00	54,312.00	54,312.00	0.00	1,001,682.00	5.14
<b>Total City Park Restroom Renovations</b>	<b>1,055,994.00</b>	<b>54,312.00</b>	<b>54,312.00</b>	<b>0.00</b>	<b>1,001,682.00</b>	<b>5.14</b>

**Expenditure Status Report**

CITY OF HERMOSA BEACH  
 7/1/2018 through 11/30/2018

301 Capital Improvement Fund

8670 Tree Well Grates

<u>Account Number</u>	<u>Adjusted Appropriation</u>	<u>Expenditures</u>	<u>Year-to-date Expenditures</u>	<u>Year-to-date Encumbrances</u>	<u>Balance</u>	<u>Prct Used</u>
8670-4200 Contract Services						
8670-4201 Contract Serv/Private	67,220.00	0.00	0.00	0.00	67,220.00	0.00
<b>Total Tree Well Grates</b>	<b>67,220.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>67,220.00</b>	<b>0.00</b>



**Expenditure Status Report**

CITY OF HERMOSA BEACH  
 7/1/2018 through 11/30/2018

301 Capital Improvement Fund

8671 Clark Field Restrooms

<u>Account Number</u>	<u>Adjusted Appropriation</u>	<u>Expenditures</u>	<u>Year-to-date Expenditures</u>	<u>Year-to-date Encumbrances</u>	<u>Balance</u>	<u>Prct Used</u>
8671-4200 Contract Services						
8671-4201 Contract Serv/Private	0.00	0.00	0.00	0.00	0.00	0.00
<b>Total Clark Field Restrooms</b>	0.00	0.00	0.00	0.00	0.00	0.00

**Expenditure Status Report**

CITY OF HERMOSA BEACH  
 7/1/2018 through 11/30/2018

301 Capital Improvement Fund

8673 Breakroom Improvements City Hall/Yard

<u>Account Number</u>	<u>Adjusted Appropriation</u>	<u>Expenditures</u>	<u>Year-to-date Expenditures</u>	<u>Year-to-date Encumbrances</u>	<u>Balance</u>	<u>Prct Used</u>
8673-4200 Contract Services						
8673-4201 Contract Serv/Private	11,227.00	8,997.63	8,997.63	0.00	2,229.37	80.14
<b>Total Breakroom Improvements City Hall/Yard</b>	<b>11,227.00</b>	<b>8,997.63</b>	<b>8,997.63</b>	<b>0.00</b>	<b>2,229.37</b>	<b>80.14</b>

**Expenditure Status Report**

CITY OF HERMOSA BEACH  
 7/1/2018 through 11/30/2018

301 Capital Improvement Fund

8675 Pier Plaza Lamp Post Replacement

<u>Account Number</u>	<u>Adjusted Appropriation</u>	<u>Expenditures</u>	<u>Year-to-date Expenditures</u>	<u>Year-to-date Encumbrances</u>	<u>Balance</u>	<u>Prct Used</u>
8675-4200 Contract Services						
8675-4201 Contract Serv/Private	71,922.00	0.00	0.00	0.00	71,922.00	0.00
<b>Total Pier Plaza Lamp Post Replacement</b>	<b>71,922.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>71,922.00</b>	<b>0.00</b>

**Expenditure Status Report**

CITY OF HERMOSA BEACH  
 7/1/2018 through 11/30/2018

301 Capital Improvement Fund

8677 South Park Restroom Renovations

<u>Account Number</u>	<u>Adjusted Appropriation</u>	<u>Expenditures</u>	<u>Year-to-date Expenditures</u>	<u>Year-to-date Encumbrances</u>	<u>Balance</u>	<u>Prct Used</u>
8677-4200 Contract Services						
8677-4201 Contract Serv/Private	0.00	0.00	0.00	0.00	0.00	0.00
<b>Total South Park Restroom Renovations</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>

**Expenditure Status Report**

CITY OF HERMOSA BEACH  
 7/1/2018 through 11/30/2018

301 Capital Improvement Fund

8680 CNG Slow-Fill Station

<u>Account Number</u>	<u>Adjusted Appropriation</u>	<u>Expenditures</u>	<u>Year-to-date Expenditures</u>	<u>Year-to-date Encumbrances</u>	<u>Balance</u>	<u>Prct Used</u>
8680-4200 Contract Services						
8680-4201 Contract Serv/Private	0.00	0.00	0.00	0.00	0.00	0.00
<b>Total CNG Slow-Fill Station</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>

**Expenditure Status Report**

CITY OF HERMOSA BEACH  
 7/1/2018 through 11/30/2018

301 Capital Improvement Fund

8681 Facilities for Opportunities Study/Imp

<u>Account Number</u>	<u>Adjusted Appropriation</u>	<u>Expenditures</u>	<u>Year-to-date Expenditures</u>	<u>Year-to-date Encumbrances</u>	<u>Balance</u>	<u>Prct Used</u>
8681-4200 Contract Services						
8681-4201 Contract Serv/Private	0.00	0.00	0.00	0.00	0.00	0.00
<b>Total Facilities for Opportunities Study/Imp</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>

**Expenditure Status Report**

CITY OF HERMOSA BEACH  
 7/1/2018 through 11/30/2018

301 Capital Improvement Fund

8682 Electrical Vehicle & Bicycle Transportat

<u>Account Number</u>	<u>Adjusted Appropriation</u>	<u>Expenditures</u>	<u>Year-to-date Expenditures</u>	<u>Year-to-date Encumbrances</u>	<u>Balance</u>	<u>Prct Used</u>
8682-4200 Contract Services						
8682-4201 Contract Serv/Private	47,186.00	0.00	0.00	0.00	47,186.00	0.00
<b>Total Electrical Vehicle &amp; Bicycle Transportat</b>	<b>47,186.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>47,186.00</b>	<b>0.00</b>

**Expenditure Status Report**

CITY OF HERMOSA BEACH  
 7/1/2018 through 11/30/2018

301 Capital Improvement Fund

8683 Bard Street Closure

<u>Account Number</u>	<u>Adjusted Appropriation</u>	<u>Expenditures</u>	<u>Year-to-date Expenditures</u>	<u>Year-to-date Encumbrances</u>	<u>Balance</u>	<u>Prct Used</u>
8683-4200 Contract Services						
8683-4201 Contract Serv/Private	55,000.00	150.00	150.00	0.00	54,850.00	0.27
<b>Total Bard Street Closure</b>	<b>55,000.00</b>	<b>150.00</b>	<b>150.00</b>	<b>0.00</b>	<b>54,850.00</b>	<b>0.27</b>



**Expenditure Status Report**

CITY OF HERMOSA BEACH  
 7/1/2018 through 11/30/2018

301 Capital Improvement Fund

8684 Emergency Op Center Renovations

<u>Account Number</u>	<u>Adjusted Appropriation</u>	<u>Expenditures</u>	<u>Year-to-date Expenditures</u>	<u>Year-to-date Encumbrances</u>	<u>Balance</u>	<u>Prct Used</u>
8684-4200 Contract Services						
8684-4201 Contract Serv/Private	193,500.00	0.00	0.00	0.00	193,500.00	0.00
<b>Total</b> Emergency Op Center Renovations	193,500.00	0.00	0.00	0.00	193,500.00	0.00

**Expenditure Status Report**

CITY OF HERMOSA BEACH  
 7/1/2018 through 11/30/2018

301 Capital Improvement Fund

8686 Police Dept Report Writing Room

<u>Account Number</u>	<u>Adjusted Appropriation</u>	<u>Expenditures</u>	<u>Year-to-date Expenditures</u>	<u>Year-to-date Encumbrances</u>	<u>Balance</u>	<u>Prct Used</u>
8686-4200 Contract Services						
8686-4201 Contract Serv/Private	0.00	0.00	0.00	0.00	0.00	0.00
<b>Total Police Dept Report Writing Room</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>

**Expenditure Status Report**

CITY OF HERMOSA BEACH  
 7/1/2018 through 11/30/2018

301 Capital Improvement Fund

8688 Police Department Records & Jail Upgrade

<u>Account Number</u>	<u>Adjusted Appropriation</u>	<u>Expenditures</u>	<u>Year-to-date Expenditures</u>	<u>Year-to-date Encumbrances</u>	<u>Balance</u>	<u>Prct Used</u>
8688-4200 Contract Services						
8688-4201 Contract Serv/Private	0.00	0.00	0.00	0.00	0.00	0.00
<b>Total</b> Police Department Records & Jail Upgrade	0.00	0.00	0.00	0.00	0.00	0.00

**Expenditure Status Report**

CITY OF HERMOSA BEACH  
 7/1/2018 through 11/30/2018

301 Capital Improvement Fund

8689 Clark Building Renovations

<u>Account Number</u>	<u>Adjusted Appropriation</u>	<u>Expenditures</u>	<u>Year-to-date Expenditures</u>	<u>Year-to-date Encumbrances</u>	<u>Balance</u>	<u>Prct Used</u>
8689-4200 Contract Services						
8689-4201 Contract Serv/Private	423,554.00	0.00	0.00	0.00	423,554.00	0.00
<b>Total Clark Building Renovations</b>	<b>423,554.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>423,554.00</b>	<b>0.00</b>

**Expenditure Status Report**

CITY OF HERMOSA BEACH  
 7/1/2018 through 11/30/2018

301 Capital Improvement Fund

8693 Community Theater Needs Assessment

<u>Account Number</u>	<u>Adjusted Appropriation</u>	<u>Expenditures</u>	<u>Year-to-date Expenditures</u>	<u>Year-to-date Encumbrances</u>	<u>Balance</u>	<u>Prct Used</u>
8693-4200 Contract Services						
8693-4201 Contract Serv/Private	30,000.00	0.00	0.00	0.00	30,000.00	0.00
<b>Total</b> Community Theater Needs Assessment	30,000.00	0.00	0.00	0.00	30,000.00	0.00
<b>Total</b> Capital Improvement Fund	4,678,495.00	110,151.04	110,151.04	0.00	4,568,343.96	2.35

**Expenditure Status Report**

CITY OF HERMOSA BEACH  
 7/1/2018 through 11/30/2018

705 Insurance Fund  
 1209 Liability Insurance

<u>Account Number</u>	<u>Adjusted Appropriation</u>	<u>Expenditures</u>	<u>Year-to-date Expenditures</u>	<u>Year-to-date Encumbrances</u>	<u>Balance</u>	<u>Prct Used</u>
1209-4100 Personal Services						
1209-4102 Regular Salaries	42,268.00	16,894.93	16,894.93	0.00	25,373.07	39.97
1209-4111 Accrual Cash In	1,685.00	227.92	227.92	0.00	1,457.08	13.53
1209-4180 Retirement	11,740.00	2,105.60	2,105.60	0.00	9,634.40	17.94
1209-4188 Employee Benefits	8,581.00	3,304.64	3,304.64	0.00	5,276.36	38.51
1209-4189 Medicare Benefits	648.00	262.81	262.81	0.00	385.19	40.56
<b>Total Personal Services</b>	<b>64,922.00</b>	<b>22,795.90</b>	<b>22,795.90</b>	<b>0.00</b>	<b>42,126.10</b>	<b>35.11</b>
1209-4200 Contract Services						
1209-4201 Contract Serv/Private	680,830.00	690,873.83	690,873.83	0.00	-10,043.83	101.48
<b>Total Contract Services</b>	<b>680,830.00</b>	<b>690,873.83</b>	<b>690,873.83</b>	<b>0.00</b>	<b>-10,043.83</b>	<b>101.48</b>
1209-4300 Materials/Supplies/Other						
1209-4305 Office Oper Supplies	0.00	0.00	0.00	0.00	0.00	0.00
1209-4315 Membership	0.00	0.00	0.00	0.00	0.00	0.00
1209-4317 Conference/Training	0.00	0.00	0.00	0.00	0.00	0.00
1209-4324 Claims/Settlements	400,000.00	135,097.51	135,097.51	0.00	264,902.49	33.77
<b>Total Materials/Supplies/Other</b>	<b>400,000.00</b>	<b>135,097.51</b>	<b>135,097.51</b>	<b>0.00</b>	<b>264,902.49</b>	<b>33.77</b>
<b>Total Liability Insurance</b>	<b>1,145,752.00</b>	<b>848,767.24</b>	<b>848,767.24</b>	<b>0.00</b>	<b>296,984.76</b>	<b>74.08</b>

**Expenditure Status Report**

CITY OF HERMOSA BEACH  
 7/1/2018 through 11/30/2018

705 Insurance Fund

1210 Auto/Property/Bonds

<u>Account Number</u>	<u>Adjusted Appropriation</u>	<u>Expenditures</u>	<u>Year-to-date Expenditures</u>	<u>Year-to-date Encumbrances</u>	<u>Balance</u>	<u>Prct Used</u>
1210-4200 Contract Services						
1210-4201 Contract Serv/Private	65,330.00	62,173.80	62,173.80	0.00	3,156.20	95.17
<b>Total Contract Services</b>	65,330.00	62,173.80	62,173.80	0.00	3,156.20	95.17
1210-4300 Materials/Supplies/Other						
1210-4324 Claims/Settlements	10,000.00	0.00	0.00	0.00	10,000.00	0.00
<b>Total Materials/Supplies/Other</b>	10,000.00	0.00	0.00	0.00	10,000.00	0.00
<b>Total Auto/Property/Bonds</b>	75,330.00	62,173.80	62,173.80	0.00	13,156.20	82.54

**Expenditure Status Report**

CITY OF HERMOSA BEACH  
 7/1/2018 through 11/30/2018

705 Insurance Fund

1215 Unemployment

<u>Account Number</u>	<u>Adjusted Appropriation</u>	<u>Expenditures</u>	<u>Year-to-date Expenditures</u>	<u>Year-to-date Encumbrances</u>	<u>Balance</u>	<u>Prct Used</u>
1215-4100 Personal Services						
1215-4186 Unemployment Claims	10,000.00	7,481.00	7,481.00	0.00	2,519.00	74.81
<b>Total Unemployment</b>	10,000.00	7,481.00	7,481.00	0.00	2,519.00	74.81



Expenditure Status Report

CITY OF HERMOSA BEACH  
 7/1/2018 through 11/30/2018

705 Insurance Fund

1217 Workers' Compensation

<u>Account Number</u>	<u>Adjusted Appropriation</u>	<u>Expenditures</u>	<u>Year-to-date Expenditures</u>	<u>Year-to-date Encumbrances</u>	<u>Balance</u>	<u>Prct Used</u>
1217-4100 Personal Services						
1217-4102 Regular Salaries	42,268.00	16,895.03	16,895.03	0.00	25,372.97	39.97
1217-4111 Accrual Cash In	1,685.00	227.92	227.92	0.00	1,457.08	13.53
1217-4180 Retirement	11,740.00	2,105.57	2,105.57	0.00	9,634.43	17.94
1217-4188 Employee Benefits	8,582.00	3,304.42	3,304.42	0.00	5,277.58	38.50
1217-4189 Medicare Benefits	648.00	262.75	262.75	0.00	385.25	40.55
<b>Total Personal Services</b>	<b>64,923.00</b>	<b>22,795.69</b>	<b>22,795.69</b>	<b>0.00</b>	<b>42,127.31</b>	<b>35.11</b>
1217-4200 Contract Services						
1217-4201 Contract Serv/Private	332,129.00	253,606.00	253,606.00	0.00	78,523.00	76.36
1217-4251 Contract Service/Govt	0.00	0.00	0.00	0.00	0.00	0.00
<b>Total Contract Services</b>	<b>332,129.00</b>	<b>253,606.00</b>	<b>253,606.00</b>	<b>0.00</b>	<b>78,523.00</b>	<b>76.36</b>
1217-4300 Materials/Supplies/Other						
1217-4305 Office Oper Supplies	100.00	4.86	4.86	0.00	95.14	4.86
1217-4317 Conference/Training	1,000.00	0.00	0.00	0.00	1,000.00	0.00
1217-4324 Claims/Settlements	981,000.00	319,632.19	319,632.19	0.00	661,367.81	32.58
<b>Total Materials/Supplies/Other</b>	<b>982,100.00</b>	<b>319,637.05</b>	<b>319,637.05</b>	<b>0.00</b>	<b>662,462.95</b>	<b>32.55</b>
<b>Total Workers' Compensation</b>	<b>1,379,152.00</b>	<b>596,038.74</b>	<b>596,038.74</b>	<b>0.00</b>	<b>783,113.26</b>	<b>43.22</b>

**Expenditure Status Report**

CITY OF HERMOSA BEACH  
 7/1/2018 through 11/30/2018

705 Insurance Fund

1299 Interfund Transfers Out

<u>Account Number</u>	<u>Adjusted Appropriation</u>	<u>Expenditures</u>	<u>Year-to-date Expenditures</u>	<u>Year-to-date Encumbrances</u>	<u>Balance</u>	<u>Prct Used</u>
1299-4300 Materials/Supplies/Other						
1299-4399 Operating Transfers Out	0.00	0.00	0.00	0.00	0.00	0.00
<b>Total Interfund Transfers Out</b>	0.00	0.00	0.00	0.00	0.00	0.00
<b>Total Insurance Fund</b>	2,610,234.00	1,514,460.78	1,514,460.78	0.00	1,095,773.22	58.02

**Expenditure Status Report**

CITY OF HERMOSA BEACH  
 7/1/2018 through 11/30/2018

715 Equipment Replacement Fund

1101 City Council

<u>Account Number</u>	<u>Adjusted Appropriation</u>	<u>Expenditures</u>	<u>Year-to-date Expenditures</u>	<u>Year-to-date Encumbrances</u>	<u>Balance</u>	<u>Prct Used</u>
1101-4900 Depreciation						
1101-4901 Depreciation/Mach/Equipment	0.00	0.00	0.00	0.00	0.00	0.00
1101-4903 Depreciation/Bldgs	5,437.00	0.00	0.00	0.00	5,437.00	0.00
<b>Total Depreciation</b>	5,437.00	0.00	0.00	0.00	5,437.00	0.00
1101-5400 Equipment/Furniture						
1101-5402 Equip-More Than \$1,000	0.00	0.00	0.00	0.00	0.00	0.00
<b>Total Equipment/Furniture</b>	0.00	0.00	0.00	0.00	0.00	0.00
1101-5600 Buildings/Improvements						
1101-5601 Buildings	0.00	0.00	0.00	0.00	0.00	0.00
<b>Total Buildings/Improvements</b>	0.00	0.00	0.00	0.00	0.00	0.00
<b>Total City Council</b>	5,437.00	0.00	0.00	0.00	5,437.00	0.00

**Expenditure Status Report**

CITY OF HERMOSA BEACH  
 7/1/2018 through 11/30/2018

715 Equipment Replacement Fund

1121 City Clerk

<u>Account Number</u>	<u>Adjusted Appropriation</u>	<u>Expenditures</u>	<u>Year-to-date Expenditures</u>	<u>Year-to-date Encumbrances</u>	<u>Balance</u>	<u>Prct Used</u>
1121-5400 Equipment/Furniture						
1121-5401 Equip-Less Than \$1,000	0.00	0.00	0.00	0.00	0.00	0.00
<b>Total City Clerk</b>	0.00	0.00	0.00	0.00	0.00	0.00

**Expenditure Status Report**

CITY OF HERMOSA BEACH  
 7/1/2018 through 11/30/2018

715 Equipment Replacement Fund

1141 City Treasurer

<u>Account Number</u>	<u>Adjusted Appropriation</u>	<u>Expenditures</u>	<u>Year-to-date Expenditures</u>	<u>Year-to-date Encumbrances</u>	<u>Balance</u>	<u>Prct Used</u>
1141-5400 Equipment/Furniture						
1141-5401 Equip-Less Than \$1,000	0.00	0.00	0.00	0.00	0.00	0.00
<b>Total City Treasurer</b>	0.00	0.00	0.00	0.00	0.00	0.00

**Expenditure Status Report**

CITY OF HERMOSA BEACH  
 7/1/2018 through 11/30/2018

715 Equipment Replacement Fund

1201 City Manager

<u>Account Number</u>	<u>Adjusted Appropriation</u>	<u>Expenditures</u>	<u>Year-to-date Expenditures</u>	<u>Year-to-date Encumbrances</u>	<u>Balance</u>	<u>Prct Used</u>
1201-4200 Contract Services						
1201-4201 Contract Serv/Private	147,385.00	39,605.20	39,605.20	0.00	107,779.80	26.87
<b>Total Contract Services</b>	147,385.00	39,605.20	39,605.20	0.00	107,779.80	26.87
1201-5400 Equipment/Furniture						
1201-5401 Equip-Less Than \$1,000	672.00	0.00	0.00	0.00	672.00	0.00
1201-5403 Vehicles	0.00	0.00	0.00	0.00	0.00	0.00
<b>Total Equipment/Furniture</b>	672.00	0.00	0.00	0.00	672.00	0.00
<b>Total City Manager</b>	148,057.00	39,605.20	39,605.20	0.00	108,451.80	26.75

**Expenditure Status Report**

CITY OF HERMOSA BEACH  
 7/1/2018 through 11/30/2018

715 Equipment Replacement Fund

1202 Finance Administration

<u>Account Number</u>	<u>Adjusted Appropriation</u>	<u>Expenditures</u>	<u>Year-to-date Expenditures</u>	<u>Year-to-date Encumbrances</u>	<u>Balance</u>	<u>Prct Used</u>
1202-5400 Equipment/Furniture						
1202-5402 Equip-More Than \$1,000	1,350.00	0.00	0.00	0.00	1,350.00	0.00
<b>Total Finance Administration</b>	<b>1,350.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>1,350.00</b>	<b>0.00</b>

**Expenditure Status Report**

CITY OF HERMOSA BEACH  
 7/1/2018 through 11/30/2018

715 Equipment Replacement Fund

1203 Human Resources

<u>Account Number</u>	<u>Adjusted Appropriation</u>	<u>Expenditures</u>	<u>Year-to-date Expenditures</u>	<u>Year-to-date Encumbrances</u>	<u>Balance</u>	<u>Prct Used</u>
1203-5400 Equipment/Furniture						
1203-5401 Equip-Less Than \$1,000	1,558.00	0.00	0.00	0.00	1,558.00	0.00
<b>Total Human Resources</b>	<b>1,558.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>1,558.00</b>	<b>0.00</b>



**Expenditure Status Report**

CITY OF HERMOSA BEACH  
 7/1/2018 through 11/30/2018

715 Equipment Replacement Fund

1204 Finance Cashier

<u>Account Number</u>	<u>Adjusted Appropriation</u>	<u>Expenditures</u>	<u>Year-to-date Expenditures</u>	<u>Year-to-date Encumbrances</u>	<u>Balance</u>	<u>Prct Used</u>
1204-4200 Contract Services						
1204-4201 Contract Serv/Private	0.00	0.00	0.00	0.00	0.00	0.00
<b>Total Contract Services</b>	0.00	0.00	0.00	0.00	0.00	0.00
1204-5400 Equipment/Furniture						
1204-5401 Equip-Less Than \$1,000	1,747.00	0.00	0.00	0.00	1,747.00	0.00
<b>Total Finance Cashier</b>	1,747.00	0.00	0.00	0.00	1,747.00	0.00

**Expenditure Status Report**

CITY OF HERMOSA BEACH  
 7/1/2018 through 11/30/2018

**715 Equipment Replacement Fund**

**1206 Information Technology**

<u>Account Number</u>	<u>Adjusted Appropriation</u>	<u>Expenditures</u>	<u>Year-to-date Expenditures</u>	<u>Year-to-date Encumbrances</u>	<u>Balance</u>	<u>Prct Used</u>
1206-4200 Contract Services						
1206-4201 Contract Serv/Private	550,979.00	139,528.56	139,528.56	0.00	411,450.44	25.32
<b>Total Contract Services</b>	550,979.00	139,528.56	139,528.56	0.00	411,450.44	25.32
1206-4300 Materials/Supplies/Other						
1206-4304 Telephone	30,200.00	16,086.17	16,086.17	0.00	14,113.83	53.27
1206-4305 Office Oper Supplies	15,000.00	6,099.78	6,099.78	0.00	8,900.22	40.67
1206-4396 Insurance User Charges	71.00	30.00	30.00	0.00	41.00	42.25
<b>Total Materials/Supplies/Other</b>	45,271.00	22,215.95	22,215.95	0.00	23,055.05	49.07
1206-4900 Depreciation						
1206-4901 Depreciation/Mach/Equipment	65,060.00	0.00	0.00	0.00	65,060.00	0.00
<b>Total Depreciation</b>	65,060.00	0.00	0.00	0.00	65,060.00	0.00
1206-5400 Equipment/Furniture						
1206-5401 Equip-Less Than \$1,000	1,633.00	0.00	0.00	0.00	1,633.00	0.00
1206-5402 Equip-More Than \$1,000	54,966.00	-7,213.59	-7,213.59	0.00	62,179.59	13.12
1206-5405 Equipment more than \$5,000	88,419.00	25,307.06	25,307.06	0.00	63,111.94	28.62
<b>Total Equipment/Furniture</b>	145,018.00	18,093.47	18,093.47	0.00	126,924.53	12.48
<b>Total Information Technology</b>	806,328.00	179,837.98	179,837.98	0.00	626,490.02	22.30

**Expenditure Status Report**

CITY OF HERMOSA BEACH  
 7/1/2018 through 11/30/2018

715 Equipment Replacement Fund

1208 General Appropriations

<u>Account Number</u>	<u>Adjusted Appropriation</u>	<u>Expenditures</u>	<u>Year-to-date Expenditures</u>	<u>Year-to-date Encumbrances</u>	<u>Balance</u>	<u>Prct Used</u>
1208-4200 Contract Services						
1208-4201 Contract Serv/Private	12,108.00	4,675.41	4,675.41	0.00	7,432.59	38.61
<b>Total Contract Services</b>	12,108.00	4,675.41	4,675.41	0.00	7,432.59	38.61
1208-4900 Depreciation						
1208-4901 Depreciation/Mach/Equipment	6,956.00	0.00	0.00	0.00	6,956.00	0.00
<b>Total Depreciation</b>	6,956.00	0.00	0.00	0.00	6,956.00	0.00
1208-5400 Equipment/Furniture						
1208-5401 Equip-Less Than \$1,000	0.00	0.00	0.00	0.00	0.00	0.00
1208-5402 Equip-More Than \$1,000	0.00	0.00	0.00	0.00	0.00	0.00
1208-5405 Equipment more than \$5,000	28,380.00	0.00	0.00	0.00	28,380.00	0.00
<b>Total Equipment/Furniture</b>	28,380.00	0.00	0.00	0.00	28,380.00	0.00
<b>Total General Appropriations</b>	47,444.00	4,675.41	4,675.41	0.00	42,768.59	9.85

Expenditure Status Report

CITY OF HERMOSA BEACH  
 7/1/2018 through 11/30/2018

715 Equipment Replacement Fund

2101 Police

<u>Account Number</u>	<u>Adjusted Appropriation</u>	<u>Expenditures</u>	<u>Year-to-date Expenditures</u>	<u>Year-to-date Encumbrances</u>	<u>Balance</u>	<u>Prct Used</u>
2101-4200 Contract Services						
2101-4201 Contract Serv/Private	24,923.00	30,886.71	30,886.71	0.00	-5,963.71	123.93
<b>Total Contract Services</b>	24,923.00	30,886.71	30,886.71	0.00	-5,963.71	123.93
2101-4300 Materials/Supplies/Other						
2101-4310 Motor Fuels And Lubes	81,402.00	24,188.29	24,188.29	0.00	57,213.71	29.71
2101-4311 Auto Maintenance	50,418.00	13,798.61	13,798.61	0.00	36,619.39	27.37
2101-4350 Safety Gear	0.00	0.00	0.00	0.00	0.00	0.00
<b>Total Materials/Supplies/Other</b>	131,820.00	37,986.90	37,986.90	0.00	93,833.10	28.82
2101-4900 Depreciation						
2101-4901 Depreciation/Mach/Equipment	82,821.00	0.00	0.00	0.00	82,821.00	0.00
2101-4902 Depreciation/Vehicles	125,932.00	0.00	0.00	0.00	125,932.00	0.00
<b>Total Depreciation</b>	208,753.00	0.00	0.00	0.00	208,753.00	0.00
2101-5400 Equipment/Furniture						
2101-5401 Equip-Less Than \$1,000	25,835.00	365.92	365.92	0.00	25,469.08	1.42
2101-5402 Equip-More Than \$1,000	19,615.00	0.00	0.00	0.00	19,615.00	0.00
2101-5403 Vehicles	332,690.00	273.18	273.18	0.00	332,416.82	0.08
2101-5405 Equipment more than \$5,000	1,069,811.00	694,449.34	694,449.34	0.00	375,361.66	64.91
<b>Total Equipment/Furniture</b>	1,447,951.00	695,088.44	695,088.44	0.00	752,862.56	48.00
2101-5600 Buildings/Improvements						
2101-5601 Buildings	0.00	0.00	0.00	0.00	0.00	0.00
<b>Total Buildings/Improvements</b>	0.00	0.00	0.00	0.00	0.00	0.00
<b>Total Police</b>	1,813,447.00	763,962.05	763,962.05	0.00	1,049,484.95	42.13

**Expenditure Status Report**

CITY OF HERMOSA BEACH  
 7/1/2018 through 11/30/2018

**715 Equipment Replacement Fund**

**2201 Fire**

<u>Account Number</u>	<u>Adjusted Appropriation</u>	<u>Expenditures</u>	<u>Year-to-date Expenditures</u>	<u>Year-to-date Encumbrances</u>	<u>Balance</u>	<u>Prct Used</u>
2201-4200 Contract Services						
2201-4201 Contract Serv/Private	0.00	8,500.00	8,500.00	0.00	-8,500.00	0.00
<b>Total Contract Services</b>	0.00	8,500.00	8,500.00	0.00	-8,500.00	0.00
2201-4300 Materials/Supplies/Other						
2201-4310 Motor Fuels And Lubes	0.00	0.00	0.00	0.00	0.00	0.00
2201-4311 Auto Maintenance	0.00	0.00	0.00	0.00	0.00	0.00
<b>Total Materials/Supplies/Other</b>	0.00	0.00	0.00	0.00	0.00	0.00
2201-4900 Depreciation						
2201-4901 Depreciation/Mach/Equipment	0.00	0.00	0.00	0.00	0.00	0.00
2201-4902 Depreciation/Vehicles	0.00	0.00	0.00	0.00	0.00	0.00
<b>Total Depreciation</b>	0.00	0.00	0.00	0.00	0.00	0.00
2201-5400 Equipment/Furniture						
2201-5402 Equip-More Than \$1,000	0.00	0.00	0.00	0.00	0.00	0.00
2201-5403 Vehicles	0.00	0.00	0.00	0.00	0.00	0.00
2201-5405 Equipment more than \$5,000	0.00	0.00	0.00	0.00	0.00	0.00
<b>Total Equipment/Furniture</b>	0.00	0.00	0.00	0.00	0.00	0.00
<b>Total Fire</b>	0.00	8,500.00	8,500.00	0.00	-8,500.00	0.00

**Expenditure Status Report**

CITY OF HERMOSA BEACH  
 7/1/2018 through 11/30/2018

715 Equipment Replacement Fund

2202 Fire Protection

<u>Account Number</u>	<u>Adjusted Appropriation</u>	<u>Expenditures</u>	<u>Year-to-date Expenditures</u>	<u>Year-to-date Encumbrances</u>	<u>Balance</u>	<u>Prct Used</u>
2202-4300 Materials/Supplies/Other						
2202-4310 Motor Fuels And Lubes	0.00	0.00	0.00	0.00	0.00	0.00
<b>Total Fire Protection</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>

**Expenditure Status Report**

CITY OF HERMOSA BEACH  
 7/1/2018 through 11/30/2018

**715 Equipment Replacement Fund**

**2601 Lighting/Landscaping/Medians**

<u>Account Number</u>	<u>Adjusted Appropriation</u>	<u>Expenditures</u>	<u>Year-to-date Expenditures</u>	<u>Year-to-date Encumbrances</u>	<u>Balance</u>	<u>Prct Used</u>
2601-4200 Contract Services						
2601-4201 Contract Serv/Private	5,400.00	0.00	0.00	0.00	5,400.00	0.00
<b>Total Contract Services</b>	5,400.00	0.00	0.00	0.00	5,400.00	0.00
2601-4300 Materials/Supplies/Other						
2601-4310 Motor Fuels And Lubes	5,400.00	667.76	667.76	0.00	4,732.24	12.37
2601-4311 Auto Maintenance	1,300.00	16.34	16.34	0.00	1,283.66	1.26
<b>Total Materials/Supplies/Other</b>	6,700.00	684.10	684.10	0.00	6,015.90	10.21
2601-4900 Depreciation						
2601-4901 Depreciation/Mach/Equipment	7,942.00	0.00	0.00	0.00	7,942.00	0.00
2601-4902 Depreciation/Vehicles	10,036.00	0.00	0.00	0.00	10,036.00	0.00
<b>Total Depreciation</b>	17,978.00	0.00	0.00	0.00	17,978.00	0.00
2601-5400 Equipment/Furniture						
2601-5402 Equip-More Than \$1,000	0.00	0.00	0.00	0.00	0.00	0.00
2601-5403 Vehicles	0.00	0.00	0.00	0.00	0.00	0.00
<b>Total Equipment/Furniture</b>	0.00	0.00	0.00	0.00	0.00	0.00
<b>Total Lighting/Landscaping/Medians</b>	30,078.00	684.10	684.10	0.00	29,393.90	2.27

**Expenditure Status Report**

CITY OF HERMOSA BEACH  
 7/1/2018 through 11/30/2018

**715 Equipment Replacement Fund**

**3102 Sewers/Storm Drains**

<u>Account Number</u>	<u>Adjusted Appropriation</u>	<u>Expenditures</u>	<u>Year-to-date Expenditures</u>	<u>Year-to-date Encumbrances</u>	<u>Balance</u>	<u>Prct Used</u>
3102-4200 Contract Services						
3102-4201 Contract Serv/Private	0.00	0.00	0.00	0.00	0.00	0.00
<b>Total Contract Services</b>	0.00	0.00	0.00	0.00	0.00	0.00
3102-4300 Materials/Supplies/Other						
3102-4309 Maintenance Materials	1,000.00	0.00	0.00	0.00	1,000.00	0.00
3102-4310 Motor Fuels And Lubes	4,500.00	108.88	108.88	0.00	4,391.12	2.42
3102-4311 Auto Maintenance	1,500.00	27,344.12	27,344.12	0.00	-25,844.12	1,822.94
<b>Total Materials/Supplies/Other</b>	7,000.00	27,453.00	27,453.00	0.00	-20,453.00	392.19
3102-4900 Depreciation						
3102-4901 Depreciation/Mach/Equipment	14,052.00	0.00	0.00	0.00	14,052.00	0.00
3102-4902 Depreciation/Vehicles	9,539.00	0.00	0.00	0.00	9,539.00	0.00
<b>Total Depreciation</b>	23,591.00	0.00	0.00	0.00	23,591.00	0.00
3102-5400 Equipment/Furniture						
3102-5402 Equip-More Than \$1,000	0.00	0.00	0.00	0.00	0.00	0.00
3102-5403 Vehicles	0.00	0.00	0.00	0.00	0.00	0.00
<b>Total Equipment/Furniture</b>	0.00	0.00	0.00	0.00	0.00	0.00
<b>Total Sewers/Storm Drains</b>	30,591.00	27,453.00	27,453.00	0.00	3,138.00	89.74



**Expenditure Status Report**

CITY OF HERMOSA BEACH  
 7/1/2018 through 11/30/2018

**715 Equipment Replacement Fund**

**3104 Street Maint/Traffic Safety**

<u>Account Number</u>	<u>Adjusted Appropriation</u>	<u>Expenditures</u>	<u>Year-to-date Expenditures</u>	<u>Year-to-date Encumbrances</u>	<u>Balance</u>	<u>Prct Used</u>
3104-4300 Materials/Supplies/Other						
3104-4310 Motor Fuels And Lubes	7,520.00	2,107.20	2,107.20	0.00	5,412.80	28.02
3104-4311 Auto Maintenance	5,977.00	876.90	876.90	0.00	5,100.10	14.67
<b>Total Materials/Supplies/Other</b>	<b>13,497.00</b>	<b>2,984.10</b>	<b>2,984.10</b>	<b>0.00</b>	<b>10,512.90</b>	<b>22.11</b>
3104-4900 Depreciation						
3104-4901 Depreciation/Mach/Equipment	5,370.00	0.00	0.00	0.00	5,370.00	0.00
3104-4902 Depreciation/Vehicles	6,742.00	0.00	0.00	0.00	6,742.00	0.00
<b>Total Depreciation</b>	<b>12,112.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>12,112.00</b>	<b>0.00</b>
3104-5400 Equipment/Furniture						
3104-5402 Equip-More Than \$1,000	0.00	0.00	0.00	0.00	0.00	0.00
3104-5403 Vehicles	46,000.00	9.78	9.78	0.00	45,990.22	0.02
3104-5405 Equipment more than \$5,000	0.00	0.00	0.00	0.00	0.00	0.00
<b>Total Equipment/Furniture</b>	<b>46,000.00</b>	<b>9.78</b>	<b>9.78</b>	<b>0.00</b>	<b>45,990.22</b>	<b>0.02</b>
<b>Total Street Maint/Traffic Safety</b>	<b>71,609.00</b>	<b>2,993.88</b>	<b>2,993.88</b>	<b>0.00</b>	<b>68,615.12</b>	<b>4.18</b>

**Expenditure Status Report**

CITY OF HERMOSA BEACH  
 7/1/2018 through 11/30/2018

**715 Equipment Replacement Fund**

**3109 Storm Drains**

<u>Account Number</u>	<u>Adjusted Appropriation</u>	<u>Expenditures</u>	<u>Year-to-date Expenditures</u>	<u>Year-to-date Encumbrances</u>	<u>Balance</u>	<u>Prct Used</u>
3109-4200 Contract Services						
3109-4201 Contract Serv/Private	5,000.00	0.00	0.00	0.00	5,000.00	0.00
<b>Total Contract Services</b>	5,000.00	0.00	0.00	0.00	5,000.00	0.00
3109-4300 Materials/Supplies/Other						
3109-4309 Maintenance Materials	600.00	0.00	0.00	0.00	600.00	0.00
3109-4310 Motor Fuels And Lubes	6,000.00	509.90	509.90	0.00	5,490.10	8.50
3109-4311 Auto Maintenance	1,430.00	0.00	0.00	0.00	1,430.00	0.00
<b>Total Materials/Supplies/Other</b>	8,030.00	509.90	509.90	0.00	7,520.10	6.35
3109-4900 Depreciation						
3109-4901 Depreciation/Mach/Equipment	0.00	0.00	0.00	0.00	0.00	0.00
3109-4902 Depreciation/Vehicles	0.00	0.00	0.00	0.00	0.00	0.00
<b>Total Depreciation</b>	0.00	0.00	0.00	0.00	0.00	0.00
3109-5400 Equipment/Furniture						
3109-5402 Equip-More Than \$1,000	0.00	0.00	0.00	0.00	0.00	0.00
3109-5403 Vehicles	0.00	0.00	0.00	0.00	0.00	0.00
<b>Total Equipment/Furniture</b>	0.00	0.00	0.00	0.00	0.00	0.00
<b>Total Storm Drains</b>	13,030.00	509.90	509.90	0.00	12,520.10	3.91

**Expenditure Status Report**

CITY OF HERMOSA BEACH  
 7/1/2018 through 11/30/2018

715 Equipment Replacement Fund

3301 Downtown Enhancement

<u>Account Number</u>	<u>Adjusted Appropriation</u>	<u>Expenditures</u>	<u>Year-to-date Expenditures</u>	<u>Year-to-date Encumbrances</u>	<u>Balance</u>	<u>Prct Used</u>
3301-5400 Equipment/Furniture						
3301-5405 Equipment more than \$5,000	22,000.00	0.00	0.00	0.00	22,000.00	0.00
<b>Total Downtown Enhancement</b>	<b>22,000.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>22,000.00</b>	<b>0.00</b>

**Expenditure Status Report**

CITY OF HERMOSA BEACH  
 7/1/2018 through 11/30/2018

**715 Equipment Replacement Fund**

**3302 Community Services**

<u>Account Number</u>	<u>Adjusted Appropriation</u>	<u>Expenditures</u>	<u>Year-to-date Expenditures</u>	<u>Year-to-date Encumbrances</u>	<u>Balance</u>	<u>Prct Used</u>
3302-4200 Contract Services						
3302-4201 Contract Serv/Private	3,036.00	109,029.00	109,029.00	0.00	-105,993.00	3,591.21
<b>Total Contract Services</b>	3,036.00	109,029.00	109,029.00	0.00	-105,993.00	3,591.21
3302-4300 Materials/Supplies/Other						
3302-4310 Motor Fuels And Lubes	22,592.00	6,625.72	6,625.72	0.00	15,966.28	29.33
3302-4311 Auto Maintenance	8,000.00	1,077.50	1,077.50	0.00	6,922.50	13.47
<b>Total Materials/Supplies/Other</b>	30,592.00	7,703.22	7,703.22	0.00	22,888.78	25.18
3302-4900 Depreciation						
3302-4901 Depreciation/Mach/Equipment	12,500.00	0.00	0.00	0.00	12,500.00	0.00
3302-4902 Depreciation/Vehicles	26,289.00	0.00	0.00	0.00	26,289.00	0.00
<b>Total Depreciation</b>	38,789.00	0.00	0.00	0.00	38,789.00	0.00
3302-5400 Equipment/Furniture						
3302-5401 Equip-Less Than \$1,000	140,949.00	0.00	0.00	0.00	140,949.00	0.00
3302-5402 Equip-More Than \$1,000	0.00	0.00	0.00	0.00	0.00	0.00
3302-5403 Vehicles	131,374.00	15,529.88	15,529.88	0.00	115,844.12	11.82
3302-5405 Equipment more than \$5,000	9,460.00	0.00	0.00	0.00	9,460.00	0.00
<b>Total Equipment/Furniture</b>	281,783.00	15,529.88	15,529.88	0.00	266,253.12	5.51
<b>Total Community Services</b>	354,200.00	132,262.10	132,262.10	0.00	221,937.90	37.34

**Expenditure Status Report**

CITY OF HERMOSA BEACH  
 7/1/2018 through 11/30/2018

715 Equipment Replacement Fund

4101 Community Dev/Planning

<u>Account Number</u>	<u>Adjusted Appropriation</u>	<u>Expenditures</u>	<u>Year-to-date Expenditures</u>	<u>Year-to-date Encumbrances</u>	<u>Balance</u>	<u>Prct Used</u>
4101-5400 Equipment/Furniture						
4101-5401 Equip-Less Than \$1,000	7,790.00	6,124.16	6,124.16	0.00	1,665.84	78.62
<b>Total Community Dev/Planning</b>	<b>7,790.00</b>	<b>6,124.16</b>	<b>6,124.16</b>	<b>0.00</b>	<b>1,665.84</b>	<b>78.62</b>

**Expenditure Status Report**

CITY OF HERMOSA BEACH  
 7/1/2018 through 11/30/2018

**715 Equipment Replacement Fund**

**4201 Community Dev/Building**

<u>Account Number</u>	<u>Adjusted Appropriation</u>	<u>Expenditures</u>	<u>Year-to-date Expenditures</u>	<u>Year-to-date Encumbrances</u>	<u>Balance</u>	<u>Prct Used</u>
4201-4200 Contract Services						
4201-4201 Contract Serv/Private	384,669.00	30,291.37	30,291.37	0.00	354,377.63	7.87
<b>Total Contract Services</b>	384,669.00	30,291.37	30,291.37	0.00	354,377.63	7.87
4201-4300 Materials/Supplies/Other						
4201-4310 Motor Fuels And Lubes	1,320.00	46.22	46.22	0.00	1,273.78	3.50
4201-4311 Auto Maintenance	1,670.00	50.00	50.00	0.00	1,620.00	2.99
<b>Total Materials/Supplies/Other</b>	2,990.00	96.22	96.22	0.00	2,893.78	3.22
4201-4900 Depreciation						
4201-4902 Depreciation/Vehicles	3,321.00	0.00	0.00	0.00	3,321.00	0.00
<b>Total Depreciation</b>	3,321.00	0.00	0.00	0.00	3,321.00	0.00
4201-5400 Equipment/Furniture						
4201-5401 Equip-Less Than \$1,000	12,684.00	0.00	0.00	0.00	12,684.00	0.00
4201-5402 Equip-More Than \$1,000	1,419.00	0.00	0.00	0.00	1,419.00	0.00
4201-5403 Vehicles	0.00	0.00	0.00	0.00	0.00	0.00
<b>Total Equipment/Furniture</b>	14,103.00	0.00	0.00	0.00	14,103.00	0.00
<b>Total Community Dev/Building</b>	405,083.00	30,387.59	30,387.59	0.00	374,695.41	7.50

**Expenditure Status Report**

CITY OF HERMOSA BEACH  
 7/1/2018 through 11/30/2018

**715 Equipment Replacement Fund**

**4202 Public Works Administration**

<u>Account Number</u>	<u>Adjusted Appropriation</u>	<u>Expenditures</u>	<u>Year-to-date Expenditures</u>	<u>Year-to-date Encumbrances</u>	<u>Balance</u>	<u>Prct Used</u>
4202-4200 Contract Services						
4202-4201 Contract Serv/Private	1,930.00	8,400.00	8,400.00	0.00	-6,470.00	435.23
4202-4251 Contract Services/Gov't	0.00	0.00	0.00	0.00	0.00	0.00
<b>Total Contract Services</b>	1,930.00	8,400.00	8,400.00	0.00	-6,470.00	435.23
4202-4300 Materials/Supplies/Other						
4202-4310 Motor Fuels And Lubes	200.00	1,877.07	1,877.07	0.00	-1,677.07	938.54
4202-4311 Auto Maintenance	2,200.00	56.20	56.20	0.00	2,143.80	2.55
<b>Total Materials/Supplies/Other</b>	2,400.00	1,933.27	1,933.27	0.00	466.73	80.55
4202-4900 Depreciation						
4202-4901 Depreciation/Mach/Equipment	5,050.00	0.00	0.00	0.00	5,050.00	0.00
4202-4902 Depreciation/Vehicles	344.00	0.00	0.00	0.00	344.00	0.00
<b>Total Depreciation</b>	5,394.00	0.00	0.00	0.00	5,394.00	0.00
4202-5400 Equipment/Furniture						
4202-5401 Equip-Less Than \$1,000	10,762.00	0.00	0.00	0.00	10,762.00	0.00
4202-5403 Vehicles	26,000.00	0.00	0.00	0.00	26,000.00	0.00
4202-5405 Equipment more than \$5,000	0.00	0.00	0.00	0.00	0.00	0.00
<b>Total Equipment/Furniture</b>	36,762.00	0.00	0.00	0.00	36,762.00	0.00
<b>Total Public Works Administration</b>	46,486.00	10,333.27	10,333.27	0.00	36,152.73	22.23

**Expenditure Status Report**

CITY OF HERMOSA BEACH  
 7/1/2018 through 11/30/2018

**715 Equipment Replacement Fund**

**4204 Building Maintenance**

<u>Account Number</u>	<u>Adjusted Appropriation</u>	<u>Expenditures</u>	<u>Year-to-date Expenditures</u>	<u>Year-to-date Encumbrances</u>	<u>Balance</u>	<u>Prct Used</u>
4204-4200 Contract Services						
4204-4201 Contract Serv/Private	202,494.00	32,981.13	32,981.13	0.00	169,512.87	16.29
<b>Total Contract Services</b>	202,494.00	32,981.13	32,981.13	0.00	169,512.87	16.29
4204-4300 Materials/Supplies/Other						
4204-4310 Motor Fuels And Lubes	2,190.00	448.04	448.04	0.00	1,741.96	20.46
4204-4311 Auto Maintenance	500.00	16.34	16.34	0.00	483.66	3.27
<b>Total Materials/Supplies/Other</b>	2,690.00	464.38	464.38	0.00	2,225.62	17.26
4204-4900 Depreciation						
4204-4901 Depreciation/Mach/Equipment	1,348.00	0.00	0.00	0.00	1,348.00	0.00
4204-4902 Depreciation/Vehicles	7,935.00	0.00	0.00	0.00	7,935.00	0.00
4204-4904 Depreciation/Improvements	0.00	0.00	0.00	0.00	0.00	0.00
<b>Total Depreciation</b>	9,283.00	0.00	0.00	0.00	9,283.00	0.00
4204-5400 Equipment/Furniture						
4204-5401 Equip-Less Than \$1,000	0.00	0.00	0.00	0.00	0.00	0.00
4204-5402 Equip-More Than \$1,000	1,950.00	0.00	0.00	0.00	1,950.00	0.00
4204-5403 Vehicles	35,000.00	0.00	0.00	0.00	35,000.00	0.00
4204-5405 Equipment more than \$5,000	25,373.00	0.00	0.00	0.00	25,373.00	0.00
<b>Total Equipment/Furniture</b>	62,323.00	0.00	0.00	0.00	62,323.00	0.00
4204-5600 Buildings/Improvements						
4204-5602 Imprvmnts Other Than Bldgs	0.00	0.00	0.00	0.00	0.00	0.00
<b>Total Buildings/Improvements</b>	0.00	0.00	0.00	0.00	0.00	0.00
<b>Total Building Maintenance</b>	276,790.00	33,445.51	33,445.51	0.00	243,344.49	12.08



**Expenditure Status Report**

CITY OF HERMOSA BEACH  
 7/1/2018 through 11/30/2018

**715 Equipment Replacement Fund**

**4206 Equipment Service**

<u>Account Number</u>	<u>Adjusted Appropriation</u>	<u>Expenditures</u>	<u>Year-to-date Expenditures</u>	<u>Year-to-date Encumbrances</u>	<u>Balance</u>	<u>Prct Used</u>
4206-4100 Personal Services						
4206-4102 Regular Salaries	164,432.00	68,122.39	68,122.39	0.00	96,309.61	41.43
4206-4106 Regular Overtime	6,000.00	833.98	833.98	0.00	5,166.02	13.90
4206-4111 Accrual Cash In	2,343.00	692.22	692.22	0.00	1,650.78	29.54
4206-4112 Part Time/Temporary	0.00	0.00	0.00	0.00	0.00	0.00
4206-4180 Retirement	43,684.00	8,162.98	8,162.98	0.00	35,521.02	18.69
4206-4187 Uniform Allowance	0.00	0.00	0.00	0.00	0.00	0.00
4206-4188 Employee Benefits	48,511.00	19,211.33	19,211.33	0.00	29,299.67	39.60
4206-4189 Medicare Benefits	2,392.00	1,013.78	1,013.78	0.00	1,378.22	42.38
4206-4190 Other Post Employment Benefits (OPEB)	13,570.00	5,654.15	5,654.15	0.00	7,915.85	41.67
<b>Total Personal Services</b>	<b>280,932.00</b>	<b>103,690.83</b>	<b>103,690.83</b>	<b>0.00</b>	<b>177,241.17</b>	<b>36.91</b>
4206-4200 Contract Services						
4206-4201 Contract Serv/Private	6,259.00	2,496.50	2,496.50	0.00	3,762.50	39.89
4206-4251 Contract Services/Govt	250.00	0.00	0.00	0.00	250.00	0.00
<b>Total Contract Services</b>	<b>6,509.00</b>	<b>2,496.50</b>	<b>2,496.50</b>	<b>0.00</b>	<b>4,012.50</b>	<b>38.35</b>
4206-4300 Materials/Supplies/Other						
4206-4309 Maintenance Materials	3,700.00	1,734.71	1,734.71	0.00	1,965.29	46.88
4206-4310 Motor Fuels And Lubes	3,000.00	1,372.17	1,372.17	0.00	1,627.83	45.74
4206-4311 Auto Maintenance	1,300.00	460.14	460.14	0.00	839.86	35.40
4206-4396 Insurance User Charges	65,121.00	27,135.00	27,135.00	0.00	37,986.00	41.67
<b>Total Materials/Supplies/Other</b>	<b>73,121.00</b>	<b>30,702.02</b>	<b>30,702.02</b>	<b>0.00</b>	<b>42,418.98</b>	<b>41.99</b>
4206-4900 Depreciation						
4206-4901 Depreciation/Mach/Equipment	394.00	0.00	0.00	0.00	394.00	0.00
<b>Total Depreciation</b>	<b>394.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>394.00</b>	<b>0.00</b>
4206-5400 Equipment/Furniture						
4206-5402 Equip-More Than \$1,000	15,737.00	0.00	0.00	0.00	15,737.00	0.00
<b>Total Equipment/Furniture</b>	<b>15,737.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>15,737.00</b>	<b>0.00</b>

**Expenditure Status Report**

CITY OF HERMOSA BEACH  
 7/1/2018 through 11/30/2018

715 Equipment Replacement Fund

4206 Equipment Service

<u>Account Number</u>	<u>Adjusted Appropriation</u>	<u>Expenditures</u>	<u>Year-to-date Expenditures</u>	<u>Year-to-date Encumbrances</u>	<u>Balance</u>	<u>Prct Used</u>
Total Equipment Service	376,693.00	136,889.35	136,889.35	0.00	239,803.65	36.34

**Expenditure Status Report**

CITY OF HERMOSA BEACH  
 7/1/2018 through 11/30/2018

**715 Equipment Replacement Fund**

**4601 Community Resources**

<u>Account Number</u>	<u>Adjusted Appropriation</u>	<u>Expenditures</u>	<u>Year-to-date Expenditures</u>	<u>Year-to-date Encumbrances</u>	<u>Balance</u>	<u>Prct Used</u>
4601-4200 Contract Services						
4601-4201 Contract Serv/Private	3,036.00	0.00	0.00	0.00	3,036.00	0.00
<b>Total Contract Services</b>	3,036.00	0.00	0.00	0.00	3,036.00	0.00
4601-4300 Materials/Supplies/Other						
4601-4310 Motor Fuels And Lubes	1,000.00	386.47	386.47	0.00	613.53	38.65
4601-4311 Auto Maintenance	500.00	10.00	10.00	0.00	490.00	2.00
<b>Total Materials/Supplies/Other</b>	1,500.00	396.47	396.47	0.00	1,103.53	26.43
4601-4900 Depreciation						
4601-4901 Depreciation/Mach/Equipment	6,934.00	0.00	0.00	0.00	6,934.00	0.00
4601-4902 Depreciation/Vehicles	0.00	0.00	0.00	0.00	0.00	0.00
<b>Total Depreciation</b>	6,934.00	0.00	0.00	0.00	6,934.00	0.00
4601-5400 Equipment/Furniture						
4601-5401 Equip-Less Than \$1,000	5,951.00	0.00	0.00	0.00	5,951.00	0.00
4601-5402 Equip-More Than \$1,000	0.00	0.00	0.00	0.00	0.00	0.00
4601-5403 Vehicles	0.00	0.00	0.00	0.00	0.00	0.00
4601-5405 Equipment more than \$5,000	9,460.00	0.00	0.00	0.00	9,460.00	0.00
<b>Total Equipment/Furniture</b>	15,411.00	0.00	0.00	0.00	15,411.00	0.00
<b>Total Community Resources</b>	26,881.00	396.47	396.47	0.00	26,484.53	1.47

**Expenditure Status Report**

CITY OF HERMOSA BEACH  
 7/1/2018 through 11/30/2018

**715 Equipment Replacement Fund**

**6101 Parks**

<u>Account Number</u>	<u>Adjusted Appropriation</u>	<u>Expenditures</u>	<u>Year-to-date Expenditures</u>	<u>Year-to-date Encumbrances</u>	<u>Balance</u>	<u>Prct Used</u>
6101-4300 Materials/Supplies/Other						
6101-4310 Motor Fuels And Lubes	4,990.00	1,711.92	1,711.92	0.00	3,278.08	34.31
6101-4311 Auto Maintenance	1,300.00	0.00	0.00	0.00	1,300.00	0.00
<b>Total Materials/Supplies/Other</b>	<b>6,290.00</b>	<b>1,711.92</b>	<b>1,711.92</b>	<b>0.00</b>	<b>4,578.08</b>	<b>27.22</b>
6101-4900 Depreciation						
6101-4902 Depreciation/Vehicles	7,868.00	0.00	0.00	0.00	7,868.00	0.00
<b>Total Depreciation</b>	<b>7,868.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>7,868.00</b>	<b>0.00</b>
6101-5400 Equipment/Furniture						
6101-5403 Vehicles	35,000.00	0.00	0.00	0.00	35,000.00	0.00
<b>Total Equipment/Furniture</b>	<b>35,000.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>35,000.00</b>	<b>0.00</b>
<b>Total Parks</b>	<b>49,158.00</b>	<b>1,711.92</b>	<b>1,711.92</b>	<b>0.00</b>	<b>47,446.08</b>	<b>3.48</b>

**Expenditure Status Report**

CITY OF HERMOSA BEACH  
 7/1/2018 through 11/30/2018

715 Equipment Replacement Fund

8632 Fire Department Tower Demolition

<u>Account Number</u>	<u>Adjusted Appropriation</u>	<u>Expenditures</u>	<u>Year-to-date Expenditures</u>	<u>Year-to-date Encumbrances</u>	<u>Balance</u>	<u>Prct Used</u>
8632-4200 Contract Services						
8632-4201 Contract Serv/Private	0.00	0.00	0.00	0.00	0.00	0.00
<b>Total Fire Department Tower Demolition</b>	0.00	0.00	0.00	0.00	0.00	0.00

**Expenditure Status Report**

CITY OF HERMOSA BEACH  
 7/1/2018 through 11/30/2018

715 Equipment Replacement Fund

8656 Citywide Energy Conservation Upgrades

<u>Account Number</u>	<u>Adjusted Appropriation</u>	<u>Expenditures</u>	<u>Year-to-date Expenditures</u>	<u>Year-to-date Encumbrances</u>	<u>Balance</u>	<u>Prct Used</u>
8656-4200 Contract Services						
8656-4201 Contract Serv/Private	0.00	0.00	0.00	0.00	0.00	0.00
<b>Total Citywide Energy Conservation Upgrades</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>

**Expenditure Status Report**

CITY OF HERMOSA BEACH  
 7/1/2018 through 11/30/2018

715 Equipment Replacement Fund

8672 Council Chambers Improvements

<u>Account Number</u>	<u>Adjusted Appropriation</u>	<u>Expenditures</u>	<u>Year-to-date Expenditures</u>	<u>Year-to-date Encumbrances</u>	<u>Balance</u>	<u>Prct Used</u>
8672-4200 Contract Services						
8672-4201 Contract Serv/Private	198,815.00	2,454.25	2,454.25	0.00	196,360.75	1.23
<b>Total Council Chambers Improvements</b>	198,815.00	2,454.25	2,454.25	0.00	196,360.75	1.23
<b>Total Equipment Replacement Fund</b>	4,734,572.00	1,382,226.14	1,382,226.14	0.00	3,352,345.86	29.19

**Expenditure Status Report**

CITY OF HERMOSA BEACH  
 7/1/2018 through 11/30/2018

905 Gen Fixed Assets Account Group

1291 Sale Of Fixed Assets

<u>Account Number</u>	<u>Adjusted Appropriation</u>	<u>Expenditures</u>	<u>Year-to-date Expenditures</u>	<u>Year-to-date Encumbrances</u>	<u>Balance</u>	<u>Prct Used</u>
1291-4300 Materials/Supplies/Other						
1291-4392 Loss On Sale Of Fixed Assets	0.00	0.00	0.00	0.00	0.00	0.00
<b>Total Sale Of Fixed Assets</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>



Expenditure Status Report

CITY OF HERMOSA BEACH  
 7/1/2018 through 11/30/2018

905 Gen Fixed Assets Account Group

4209 Infrastructure Purchases

<u>Account Number</u>	<u>Adjusted Appropriation</u>	<u>Expenditures</u>	<u>Year-to-date Expenditures</u>	<u>Year-to-date Encumbrances</u>	<u>Balance</u>	<u>Prct Used</u>
4209-9000 Infrastructure						
4209-9001 Parking Meters - Infrastructure	0.00	0.00	0.00	0.00	0.00	0.00
4209-9002 Monuments - Infrastructure	0.00	0.00	0.00	0.00	0.00	0.00
<b>Total Infrastructure</b>	0.00	0.00	0.00	0.00	0.00	0.00
4209-9100 *** Title Not Found ***						
4209-9101 Roadways, Major - Infrastructure	0.00	0.00	0.00	0.00	0.00	0.00
4209-9102 Roadways, Minor - Infrastructure	0.00	0.00	0.00	0.00	0.00	0.00
4209-9103 Roadways, Residential - Infrastructure	0.00	0.00	0.00	0.00	0.00	0.00
4209-9104 Street Improvements - Infrastructure	0.00	0.00	0.00	0.00	0.00	0.00
<b>Total *** Title Not Found ***</b>	0.00	0.00	0.00	0.00	0.00	0.00
4209-9200 *** Title Not Found ***						
4209-9201 Signage - Infrastructure	0.00	0.00	0.00	0.00	0.00	0.00
<b>Total *** Title Not Found ***</b>	0.00	0.00	0.00	0.00	0.00	0.00
4209-9300 *** Title Not Found ***						
4209-9301 Storm Drains, Concrete - Infrastructure	0.00	0.00	0.00	0.00	0.00	0.00
4209-9302 Storm Drains, Steel - Infrastructure	0.00	0.00	0.00	0.00	0.00	0.00
4209-9303 Manholes & Ctch Bsns, Strm Drn-Infstr	0.00	0.00	0.00	0.00	0.00	0.00
4209-9351 Traffic Signals - Infrastructure	0.00	0.00	0.00	0.00	0.00	0.00
4209-9352 Traffic Flash Signals - Infrastructure	0.00	0.00	0.00	0.00	0.00	0.00
<b>Total *** Title Not Found ***</b>	0.00	0.00	0.00	0.00	0.00	0.00
4209-9400 *** Title Not Found ***						
4209-9401 Street Lights - Infrastructure	0.00	0.00	0.00	0.00	0.00	0.00
4209-9451 Sidewalks - Infrastructure	0.00	0.00	0.00	0.00	0.00	0.00
<b>Total *** Title Not Found ***</b>	0.00	0.00	0.00	0.00	0.00	0.00
4209-9500 *** Title Not Found ***						

Expenditure Status Report

CITY OF HERMOSA BEACH  
 7/1/2018 through 11/30/2018

905 Gen Fixed Assets Account Group

4209 Infrastructure Purchases

<i>Account Number</i>	<i>Adjusted Appropriation</i>	<i>Expenditures</i>	<i>Year-to-date Expenditures</i>	<i>Year-to-date Encumbrances</i>	<i>Balance</i>	<i>Prct Used</i>
4209-9501 Curbing - Infrastructure	0.00	0.00	0.00	0.00	0.00	0.00
4209-9551 Alleys - Infrastructure	0.00	0.00	0.00	0.00	0.00	0.00
<b>Total *** Title Not Found ***</b>	0.00	0.00	0.00	0.00	0.00	0.00
4209-9700 *** Title Not Found ***						
4209-9701 Sewer Pipelines - Infrastructure	0.00	0.00	0.00	0.00	0.00	0.00
4209-9702 Manholes, Sewer - Infrastructure	0.00	0.00	0.00	0.00	0.00	0.00
4209-9703 Sewer Pump Stations - Infrastructure	0.00	0.00	0.00	0.00	0.00	0.00
4209-9704 Sewer Line Improvements - Infrastructure	0.00	0.00	0.00	0.00	0.00	0.00
<b>Total *** Title Not Found ***</b>	0.00	0.00	0.00	0.00	0.00	0.00
4209-9900 *** Title Not Found ***						
4209-9901 Bike Path - Infrastructure	0.00	0.00	0.00	0.00	0.00	0.00
4209-9902 Bikeway Improvements - Infrastructure	0.00	0.00	0.00	0.00	0.00	0.00
<b>Total Gen Fixed Assets Account Group</b>	0.00	0.00	0.00	0.00	0.00	0.00
<b>Grand Total</b>	69,237,142.00	20,735,450.00	20,735,450.00	0.00	48,501,692.00	29.95

CIP Report by Project  
11/30/2018

<u>Project Title/Account Number</u>	<u>Adjusted Appropriation</u>	<u>Expenditures</u>	<u>Year-to-date Expenditures</u>	<u>Year-to-date Encumbrances</u>	<u>Balance</u>	<u>Prct Used</u>
<b><u>PCH- Aviation Mobility Project (12-143)</u></b>						
001- 8143-4201 Contract Serv/Private	94,454.00	-	-	-	94,454.00	0.00%
115- 8143-4201 Contract Serv/Private	34,581.00	-	-	-	34,581.00	0.00%
145- 8143-4201 Contract Serv/Private	-	-	-	-	-	0.00%
146- 8143-4201 Contract Serv/Private	-	-	-	-	-	0.00%
147- 8143-4201 Contract Serv/Private	255,509.00	-	-	-	255,509.00	0.00%
301- 8143-4201 Contract Serv/Private	263,437.00	-	-	-	263,437.00	0.00%
	<u>647,981.00</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>647,981.00</u>	<u>0.00%</u>
<b><u>PCH Traffic Improvements (12-160)</u></b>						
147- 8160-4201 Contract Serv/Private	399,922.00	-	-	-	399,922.00	0.00%
301- 8160-4201 Contract Serv/Private	-	-	-	-	-	0.00%
	<u>399,922.00</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>399,922.00</u>	<u>0.00%</u>
<b><u>Beach Drive Green Alley (15-162)</u></b>						
301- 8162-4201	187,500.00	-	-	-	187,500.00	0.00%
	<u>187,500.00</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>187,500.00</u>	<u>0.00%</u>
<b><u>Bike Friendly Street Improvements (14-168)</u></b>						
001- 8168-4201 Contract Serv/Private	-	-	-	-	-	0.00%
147- 8168-4201 Contract Serv/Private	20,000.00	-	-	-	20,000.00	0.00%
	<u>20,000.00</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>20,000.00</u>	<u>0.00%</u>
<b><u>8th Street- Safe Route to School (14-173)</u></b>						
001- 8173-4201 Contract Serv/Private	-	-	-	-	-	0.00%
115- 8173-4201 Contract Serv/Private	325,744.00	-	22,310.75	-	303,433.25	6.85%
122- 8173-4201 Contract Serv/Private	67,825.00	39,506.25	39,506.25	-	28,318.75	58.25%
150- 8173-4201 Contract Serv/Private	354,535.00	-	-	-	354,535.00	0.00%
301- 8173-4201 Contract Serv/Private	308,438.00	-	-	-	308,438.00	0.00%
	<u>1,056,542.00</u>	<u>39,506.25</u>	<u>61,817.00</u>	<u>-</u>	<u>994,725.00</u>	<u>5.85%</u>
<b><u>Street Improvements - Various Locations</u></b>						
001- 8174-4106 Contract Serv/Private	-	-	-	-	-	0.00%
001- 8174-4112 Contract Serv/Private	-	-	-	-	-	0.00%
001- 8174-4189 Contract Serv/Private	-	-	-	-	-	0.00%
001- 8174-4201 Contract Serv/Private	-	-	-	-	-	0.00%
115- 8174-4201 Contract Serv/Private	144,021.00	61,083.75	125,083.75	-	18,937.25	86.85%
122- 8174-4201 Contract Serv/Private	-	-	-	-	-	0.00%
145- 8174-4201 Contract Serv/Private	274,892.00	-	-	-	274,892.00	0.00%
146- 8174-4102 Regular Salaries	-	-	3,130.80	-	(3,130.80)	0.00%
146- 8174-4112 Part Time Temporary	-	-	100.00	-	(100.00)	0.00%
146- 8174-4201 Contract Serv/Private	799,333.00	15,413.93	138,957.25	-	660,375.75	17.38%
147- 8174-4201 Contract Serv/Private	766,885.00	75,878.60	75,878.60	-	691,006.40	9.89%
148- 8174-4201 Contract Serv/Private	282,875.00	-	-	-	282,875.00	0.00%
301- 8174-4201 Contract Serv/Private	-	-	-	-	-	0.00%
	<u>2,268,006.00</u>	<u>152,376.28</u>	<u>343,150.40</u>	<u>-</u>	<u>1,924,855.60</u>	<u>15.13%</u>

CIP Report by Project  
11/30/2018

<u>Project Title/Account Number</u>		<u>Adjusted Appropriation</u>	<u>Expenditures</u>	<u>Year-to-date Expenditures</u>	<u>Year-to-date Encumbrances</u>	<u>Balance</u>	<u>Prct Used</u>
<b><u>Street Improvement - 21st between PCH/Ardmore</u></b>							
150- 8184-4201	Contract Serv/Private	98,152.00	-	-	-	98,152.00	0.00%
		98,152.00	-	-	-	98,152.00	0.00%
<b><u>ADA Improvements - PCH between 2nd &amp; 21st Street (16-185)</u></b>							
150- 8185-4201	Contract Serv/Private	287,260.00	504.00	504.00	-	286,756.00	0.18%
		287,260.00	504.00	504.00	-	286,756.00	0.18%
<b><u>Street Improvements - Various Locations (17-186)</u></b>							
001- 8186-4201	Contract Serv/Private	-	-	-	-	-	0.00%
115- 8186-4201	Contract Serv/Private	144,995.00	-	-	-	144,995.00	0.00%
122- 8186-4201	Contract Serv/Private	-	-	-	-	-	0.00%
145- 8186-4201	Contract Serv/Private	59,000.00	-	-	-	59,000.00	0.00%
146- 8186-4201	Contract Serv/Private	-	-	-	-	-	0.00%
147- 8186-4201	Contract Serv/Private	89,551.00	-	-	-	89,551.00	0.00%
148- 8186-4201	Contract Serv/Private	221,468.00	-	-	-	221,468.00	0.00%
301- 8186-4201	Contract Serv/Private	-	-	-	-	-	0.00%
		515,014.00	-	-	-	515,014.00	0.00%
<b><u>Stamped Concrete Replacement on the Strand (17-187)</u></b>							
301- 8187-4201	Contract Serv/Private	140,000.00	-	-	-	140,000.00	0.00%
		140,000.00	-	-	-	140,000.00	0.00%
<b><u>Strand Bikeway and Walkway Improv at 35th St (17-188)</u></b>							
147- 8188-4201	Contract Serv/Private	115,000.00	-	-	-	115,000.00	0.00%
		115,000.00	-	-	-	115,000.00	0.00%
<b><u>Sewer Improvements- Various Locations (15-403)</u></b>							
160- 8403-4201	Contract Serv/Private	20,377.00	-	-	-	20,377.00	0.00%
		20,377.00	-	-	-	20,377.00	0.00%
<b><u>Storm Drain Master Plan</u></b>							
161- 8415-4201	Contract Serv/Private	21,827.00	-	-	-	21,827.00	0.00%
		21,827.00	-	-	-	21,827.00	0.00%
<b><u>Sewer Improvements - Various Locations (17-416)</u></b>							
160- 8416-4201		1,260,000.00	24,103.17	114,252.32	-	1,145,747.68	9.07%
		1,260,000.00	24,103.17	114,252.32	-	1,145,747.68	9.07%
<b><u>Storm Drain Improv - Various Locations (17-417)</u></b>							
161- 8417-4201		645,090.00	-	-	-	645,090.00	0.00%
		645,090.00	-	-	-	645,090.00	0.00%
<b><u>Citywide Parks Master Plan (13-538)</u></b>							
001- 8538-4201	Contract Serv/Private	42,065.00	-	-	-	42,065.00	0.00%
125- 8538-4102	Regular Salaries	173,410.00	-	-	-	173,410.00	0.00%
		215,475.00	-	-	-	215,475.00	0.00%

CIP Report by Project  
11/30/2018

<u>Project Title/Account Number</u>	<u>Adjusted Appropriation</u>	<u>Expenditures</u>	<u>Year-to-date Expenditures</u>	<u>Year-to-date Encumbrances</u>	<u>Balance</u>	<u>Prct Used</u>
<b><u>Stormwater/Urban Runoff Diversion Project (16-542)</u></b>						
150- 8542-4201 Contract Serv/Private	3,762,387.00	9,927.36	16,060.55	-	3,746,326.45	0.43%
301- 8542-4201 Contract Serv/Private	421,618.00	1,562.64	2,528.05	-	419,089.95	0.60%
	<u>4,184,005.00</u>	<u>11,490.00</u>	<u>18,588.60</u>	<u>-</u>	<u>4,165,416.40</u>	<u>0.60%</u>
<b><u>Feasibility, Greenbelt Path (17-544)</u></b>						
301- 8544-4201 Contract Serv/Private	10,000.00	-	-	-	10,000.00	0.00%
	<u>10,000.00</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>10,000.00</u>	<u>0.00%</u>
<b><u>Clark Stadium Bleachers (17-545)</u></b>						
125- 8545-4201 Contract Serv/Private	30,000.00	-	-	-	30,000.00	0.00%
	<u>30,000.00</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>30,000.00</u>	<u>0.00%</u>
<b><u>Citywide Park Improvements (17-546)</u></b>						
125- 8546-4201 Contract Serv/Private	56,359.00	4,613.37	30,732.31	-	25,626.69	54.53%
	<u>56,359.00</u>	<u>4,613.37</u>	<u>30,732.31</u>	<u>-</u>	<u>25,626.69</u>	<u>54.53%</u>
<b><u>Downtown Strategic Plan (12-609)</u></b>						
001- 8609-4201 Contract Serv/Private	103,610.00	-	-	-	103,610.00	0.00%
301- 8609-4201 Contract Serv/Private	559,055.00	-	-	-	559,055.00	0.00%
	<u>662,665.00</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>662,665.00</u>	<u>0.00%</u>
<b><u>Police Facility Improvements (14-614)</u></b>						
001- 8614-4201 Contract Serv/Private	2,972.00	-	902.80	-	2,069.20	30.38%
301- 8614-4201 Contract Serv/Private	95,280.00	-	23,076.76	-	72,203.24	24.22%
	<u>98,252.00</u>	<u>-</u>	<u>23,979.56</u>	<u>-</u>	<u>74,272.44</u>	<u>24.41%</u>
<b><u>City Yard Renovation (15-615)</u></b>						
001- 8615-4201 Contract Serv/Private	56,102.00	393.75	1,181.25	-	54,920.75	2.11%
301- 8615-4201 Contract Serv/Private	173,142.00	2,212.00	2,212.00	-	170,930.00	1.28%
	<u>229,244.00</u>	<u>2,605.75</u>	<u>3,393.25</u>	<u>-</u>	<u>225,850.75</u>	<u>1.48%</u>
<b><u>Municipal Pier Structural Assessment &amp; Repairs (16-629)</u></b>						
122- 8629-4201 Contract Serv/Private	177,380.00	-	-	-	177,380.00	0.00%
191- 8629-4201 Contract Serv/Private	240,000.00	-	-	-	240,000.00	0.00%
	<u>417,380.00</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>417,380.00</u>	<u>0.00%</u>

CIP Report by Project  
11/30/2018

<u>Project Title/Account Number</u>	<u>Adjusted Appropriation</u>	<u>Expenditures</u>	<u>Year-to-date Expenditures</u>	<u>Year-to-date Encumbrances</u>	<u>Balance</u>	<u>Prct Used</u>
<b><u>Community Center Gen Improvements (15-650)</u></b>						
001- 8650-4201 Contract Serv/Private	261,640.00	-	1,250.00	-	260,390.00	0.48%
301- 8650-4201 Contract Serv/Private	149,039.00	-	535.32	-	148,503.68	0.36%
	<u>410,679.00</u>	<u>-</u>	<u>1,785.32</u>	<u>-</u>	<u>408,893.68</u>	<u>0.84%</u>
<b><u>Municipal Pier Structural Repairs Phase 3 (15-660)</u></b>						
122- 8660-4201 Contract Serv/Private	275,473.00	-	-	-	275,473.00	0.00%
301- 8660-4201 Contract Serv/Private	259,711.00	-	-	-	259,711.00	0.00%
	<u>535,184.00</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>535,184.00</u>	<u>0.00%</u>
<b><u>Library Community Needs Assessment (15-668)</u></b>						
150- 8668-4201 Contract Serv/Private	42,522.00	-	-	-	42,522.00	0.00%
	<u>42,522.00</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>42,522.00</u>	<u>0.00%</u>
<b><u>City Park Restroom Renovations (15-669)</u></b>						
301- 8669-4201 Contract Serv/Private	1,055,994.00	-	54,312.00	-	1,001,682.00	5.14%
	<u>1,055,994.00</u>	<u>-</u>	<u>54,312.00</u>	<u>-</u>	<u>1,001,682.00</u>	<u>5.14%</u>
<b><u>Tree Well Grates (15-670)</u></b>						
301- 8670-4201 Contract Serv/Private	67,220.00	-	-	-	67,220.00	0.00%
	<u>67,220.00</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>67,220.00</u>	<u>0.00%</u>
<b><u>Council Chambers Improvements (15-672)</u></b>						
001- 8672-4201 Contract Serv/Private	106,209.00	-	-	-	106,209.00	0.00%
715- 8672-4201 Contract Serv/Private	198,815.00	-	2,454.25	-	196,360.75	1.23%
	<u>305,024.00</u>	<u>-</u>	<u>2,454.25</u>	<u>-</u>	<u>302,569.75</u>	<u>0.80%</u>
<b><u>Police Dept Substation Facility Improvement</u></b>						
301- 8673-4201 Contract Serv/Private	11,227.00	541.33	8,997.63	-	2,229.37	80.14%
	<u>11,227.00</u>	<u>541.33</u>	<u>8,997.63</u>	<u>-</u>	<u>2,229.37</u>	<u>80.14%</u>
<b><u>Police Dept Substation Facility Improvement</u></b>						
001- 8674-4201 Contract Serv/Private	5,755.00	-	902.81	-	4,852.19	15.69%
	<u>5,755.00</u>	<u>-</u>	<u>902.81</u>	<u>-</u>	<u>4,852.19</u>	<u>15.69%</u>
<b><u>Pier Plaza Lamp Post Replacement (16-675)</u></b>						
301- 8675-4201 Contract Serv/Private	71,922.00	-	-	-	71,922.00	0.00%
	<u>71,922.00</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>71,922.00</u>	<u>0.00%</u>
<b><u>Electrical Vehicle and Bicycle Transportation (16-682)</u></b>						
150- 8682-4201 Contract Serv/Private	162,977.00	5,516.63	6,927.20	-	156,049.80	4.25%
301- 8682-4201 Contract Serv/Private	47,186.00	-	-	-	47,186.00	0.00%
	<u>210,163.00</u>	<u>5,516.63</u>	<u>6,927.20</u>	<u>-</u>	<u>203,235.80</u>	<u>3.30%</u>

CIP Report by Project  
11/30/2018

<u>Project Title/Account Number</u>	<u>Adjusted Appropriation</u>	<u>Expenditures</u>	<u>Year-to-date Expenditures</u>	<u>Year-to-date Encumbrances</u>	<u>Balance</u>	<u>Prct Used</u>
<b><u>Bard Street Closure (17-683)</u></b>						
301- 8683-4201 Contract Serv/Private	55,000.00	-	150.00	-	54,850.00	0.27%
	55,000.00	-	150.00	-	54,850.00	0.27%
<b><u>Emergency Operations Center Renovations (17-684)</u></b>						
301- 8684-4201 Contract Serv/Private	193,500.00	-	-	-	193,500.00	0.00%
	193,500.00	-	-	-	193,500.00	0.00%
<b><u>ADA Improvements - Various Locations (17-687)</u></b>						
140- 8687-4201 Contract Serv/Private	150,000.00	-	-	-	150,000.00	0.00%
	150,000.00	-	-	-	150,000.00	0.00%
<b><u>Clark Building Renovations (17-689)</u></b>						
301- 8689-4201 Contract Serv/Private	423,554.00	-	-	-	423,554.00	0.00%
	423,554.00	-	-	-	423,554.00	0.00%
<b><u>ADA Improvements - Various Locations (17-687)</u></b>						
140- 8691-4201 Contract Serv/Private	120,000.00	-	-	-	120,000.00	0.00%
	120,000.00	-	-	-	120,000.00	0.00%
<b><u>14th Street Beach Restroom Rehab</u></b>						
160 8692-4201 Contract Serv/Private	110,000.00	-	-	-	110,000.00	0.00%
	110,000.00	-	-	-	110,000.00	0.00%
<b><u>Community Theater Needs Assessment</u></b>						
301 8693-4201 Contract Serv/Private	30,000.00	-	-	-	30,000.00	0.00%
	30,000.00	-	-	-	30,000.00	0.00%
<b>Grand Total</b>	<b>17,383,795.00</b>	<b>241,256.78</b>	<b>671,946.65</b>	<b>-</b>	<b>16,711,848.35</b>	<b>3.87%</b>



**Staff Report**

---

**Staff Report**

REPORT 19-0002

---

**Honorable Mayor and Members of the Hermosa Beach City Council  
Regular Meeting of January 8, 2019**

**CITY TREASURER'S REPORT AND CASH BALANCE REPORT**  
(City Treasurer Karen Nowicki)

**Recommended Action:**

City Treasurer recommends that the City Council receive and file the November 2018 City Treasurer's Report and Cash Balance Report.

**Summary:**

Investments in the report meet the requirements of the City of Hermosa Beach's adopted investment policy.

Attached is a report of all inactive Public Deposits for the month of November 2018. This is the most current available investment information.

**Attachments:**

1. City Treasurer's Report
2. Cash Balance Report

**Respectfully Submitted by:** Karen Nowicki, City Treasurer

**Noted for Fiscal Impact:** Viki Copeland, Finance Director

**Approved:** Suja Lowenthal, City Manager



**TREASURER'S REPORT-REVISED  
NOVEMBER 2018**

**INSTITUTIONS**

INVESTMENT TYPE/INSTITUTION	CUSIP #	BOOK VALUE	DATE OF INVESTMENT	DATE OF MATURITY	ORIGINAL COST	MARKET VALUE	COST/MARKET DIFFERENCE	FACE/PAR VALUE	RATE OF INTEREST	YIELD TO MATURITY
<b>POOLED INVESTMENTS</b>										
LAIF (Local Agency Investment Fund)		\$ 44,487.32						\$44,487.32	2.208%	
LACPIF (Los Angeles County Pooled Investment Funds)		\$ 26,090,897.26						\$26,090,897.26	1.910%	Rate for October, November publishes the first week of January.
<b>Pooled Investments % of Total Investment</b>	<b>75.215%</b>	<b>\$26,135,384.58</b>								

**AGENCIES**

Federal Home Loan Mortgage	3137EADK2	\$498,457.64	8/1/2014	8/1/2019	\$500,000.00	\$495,320.00	(\$4,680.00)	\$500,000.00	1.260%	1.260%
<b>Agencies % of Total Investment</b>	<b>1.435%</b>	<b>\$498,457.64</b>								

**NEGOTIABLE CDS**

Sallie Mae Bank	795450UB9	\$248,000.00	10/22/2014	10/22/2019	\$248,000.00	\$246,078.87	(\$1,921.13)	\$248,000.00	2.170%	2.170%
American Express Bank	02587CCC2	\$247,000.00	10/23/2014	10/23/2019	\$247,000.00	\$245,190.76	(\$1,809.24)	\$247,000.00	2.220%	2.220%
Peoples UTD Bank	71270QLM6	\$247,000.00	01/21/2015	01/21/2020	\$247,000.00	\$243,479.19	(\$3,520.81)	\$247,000.00	1.880%	1.880%
Private Bank and Trust	74267GUU9	\$248,000.00	01/23/2015	01/23/2020	\$248,000.00	\$244,588.65	(\$3,411.35)	\$248,000.00	1.930%	1.930%
Capital One Bank	140420SH4	\$248,000.00	06/17/2015	06/17/2020	\$248,000.00	\$244,593.39	(\$3,406.61)	\$248,000.00	2.180%	2.180%
Discover Bank	254672QE1	\$248,000.00	06/17/2015	06/17/2020	\$248,000.00	\$244,404.83	(\$3,595.17)	\$248,000.00	2.130%	2.130%
Capital One Nat'l Assn	14042E5U08	\$246,000.00	08/19/2015	08/19/2020	\$246,000.00	\$243,377.45	(\$2,622.55)	\$246,000.00	2.430%	2.430%
Everbank Jacksonville	29976DA59	\$245,000.00	08/28/2015	08/28/2020	\$245,000.00	\$240,886.15	(\$4,113.85)	\$245,000.00	2.090%	2.090%
American Express Centurion	02587DF86	\$247,000.00	11/04/2015	11/04/2020	\$247,000.00	\$243,519.70	(\$3,480.30)	\$247,000.00	2.280%	2.280%
Synchrony Bank	87164YKW3	\$247,000.00	11/20/2015	11/20/2020	\$247,000.00	\$243,208.28	(\$3,791.72)	\$247,000.00	2.230%	2.230%
Comenity Capital Bank	20033ANX0	\$249,000.00	01/19/2016	01/19/2021	\$249,000.00	\$243,336.47	(\$5,663.53)	\$249,000.00	1.940%	1.940%
EnerBank USA	29266NX51	\$247,000.00	01/28/2016	01/28/2021	\$247,000.00	\$241,343.93	(\$5,656.07)	\$247,000.00	1.940%	1.940%
World Foremost Bank Sydney	981571CQ3	\$200,000.00	06/09/2016	06/09/2021	\$200,000.00	\$193,665.89	(\$6,334.11)	\$200,000.00	1.760%	1.760%
Wells Fargo Bank NA Siouxfall	9497485W3	\$249,000.00	06/17/2016	06/17/2021	\$249,000.00	\$241,357.33	(\$7,642.67)	\$249,000.00	1.810%	1.810%
First Bank of Puerto Rico	33767AZY09	\$248,000.00	08/26/2016	08/26/2021	\$248,000.00	\$237,857.76	(\$10,142.24)	\$248,000.00	1.510%	1.510%
Beneficial Mutual Savings	08173QBR6	\$248,000.00	09/12/2016	09/12/2021	\$248,000.00	\$238,062.16	(\$9,937.84)	\$248,000.00	1.560%	1.560%
Countryside Federal Credit Union	22239MAL2	\$249,000.00	10/18/2016	10/18/2021	\$249,000.00	\$239,602.14	(\$9,397.86)	\$249,000.00	1.710%	1.710%
Venture Bank	92326XDE8	\$249,000.00	12/02/2016	09/02/2021	\$249,000.00	\$239,075.76	(\$9,924.24)	\$249,000.00	1.560%	1.560%
Stearns Bank NA	857894SK6	\$242,000.00	01/13/2017	01/13/2022	\$242,000.00	\$235,149.34	(\$6,850.66)	\$242,000.00	2.110%	2.110%
East Boston Savings Bank	27113PBM2	\$248,000.00	01/20/2017	01/20/2022	\$248,000.00	\$240,597.21	(\$7,402.79)	\$248,000.00	2.060%	2.060%
Goldman Sachs Bank	38148PKT3	\$246,000.00	06/14/2017	06/14/2022	\$246,000.00	\$240,709.67	(\$5,290.33)	\$246,000.00	2.400%	2.400%
Barclays Bank	06740KKD8	\$246,407.20	07/22/2017	07/12/2022	\$247,000.00	\$240,304.76	(\$6,695.24)	\$247,000.00	2.260%	2.260%
Marlin Business Bank	57116APQ5	\$249,000.00	08/22/2017	08/23/2022	\$249,000.00	\$240,680.68	(\$8,319.32)	\$249,000.00	2.120%	2.120%
Merrick Bank South Jordan	59013JC49	\$249,000.00	10/19/2017	10/20/2022	\$249,000.00	\$240,818.58	(\$8,181.42)	\$249,000.00	2.170%	2.170%
Northfield Bank	66612ABX5	\$247,000.00	10/24/2017	10/25/2022	\$247,000.00	\$239,355.95	(\$7,644.05)	\$247,000.00	2.220%	2.220%
Morgan Stanley Bank	61747MH95	\$249,000.00	02/01/2018	02/01/2023	\$249,000.00	\$242,743.43	(\$6,256.57)	\$249,000.00	2.690%	2.690%
Allegiance Bank	01748DBA3	\$246,000.00	02/07/2018	02/07/2023	\$246,000.00	\$245,187.70	(\$812.30)	\$246,000.00	2.640%	2.640%
CitiBank NA	17312QN39	\$245,000.00	06/15/2018	06/15/2023	\$245,000.00	\$247,790.81	\$2,790.81	\$245,000.00	3.210%	3.230%
BMW Bank North America	05580AMX9	\$245,000.00	06/15/2018	06/15/2023	\$245,000.00	\$247,790.81	\$2,790.81	\$245,000.00	3.210%	3.210%
Industrial & Commercial Bank of China	45581EAX9	\$249,000.00	08/17/2018	06/30/2023	\$249,000.00	\$252,421.27	\$3,421.27	\$249,000.00	3.260%	3.260%
Bank Midwest Spirit Lake	063615BM9	\$244,408.24	09/17/2018	09/15/2023	\$245,000.00	\$246,274.84	\$1,274.84	\$245,000.00	3.080%	3.080%
UBS Bank	90348JEJ5	\$249,000.00	10/17/2018	10/17/2023	\$249,000.00	\$253,200.02	\$4,200.02	\$249,000.00	3.290%	3.290%
Spring Bank	849430AY9	\$249,000.00	10/24/2018	10/24/2023	\$249,000.00	\$252,066.78	\$3,066.78	\$249,000.00	3.210%	3.210%

**Negotiable CD % of Total Investment 23.351% \$8,113,815.44**

**TOTAL ALL INVESTMENTS \$ 34,747,657.66 \$8,615,000.00 \$8,474,040.56 (\$140,959.44) \$34,750,384.58**

Average Rate of Interest **2.240%**  
Average Yield to Maturity **2.251%**

In compliance with the California Code Section 53646, the Treasurer of the City of Hermosa Beach hereby certifies that sufficient investment liquidity and anticipated revenues are available to meet the City's budgeted expenditure requirements for the next six months. Investments in the report meet the requirements of the City of Hermosa Beach's adopted investment policy.

APPROVED: KAREN NOWICKI, CITY TREASURER

**CASH BALANCE REPORT  
NOVEMBER 2018**

FUND NUMBER	FUND NAME	10/31/2018 BALANCE	GENERAL ACCOUNT				11/30/2018 BALANCE
			CASH	ADJUSTMENTS	CHECKS	ADJUSTMENTS	
001	GENERAL	\$4,872,470.37	\$1,812,418.55	(\$1,545,328.49)	(\$1,127,814.74)	(\$179,133.31)	\$3,832,612.38
105	LIGHTING/LANDSCAPING	(\$61,669.70)	\$2,947.21	\$3,062.29	(\$33,473.69)	(1,214.24)	(\$90,348.13)
115	STATE GAS TAX	\$288,529.36		(\$15,524.74)	(\$61,083.75)		\$211,920.87
117	AB939	\$55,172.27	\$7,559.57	(\$814.92)		(108.13)	\$61,808.79
121	PROP A OPEN SPACE	(\$5,139.00)		(\$3,426.00)			(\$8,565.00)
122	TYCO	\$1,136,298.38		(\$32,080.88)	(39,506.25)		\$1,064,711.25
125	PARK REC FAC TAX	\$299,392.16	\$13,206.00	\$869.32	(4,613.37)		\$308,854.11
135	BAYVIEW DRIVE DISTRICT ADMIN EXPENSE	\$1,386.26		(\$381.18)			\$1,005.08
136	LOWER PIER ADMIN EXPENSE	(\$561.00)		(\$374.00)			(\$935.00)
137	MYRTLE DISTRICT ADMIN EXPENSE	\$3,710.74		(\$870.03)			\$2,840.71
138	LOMA DISTRICT ADMIN EXPENSE	\$13,005.89		(\$918.09)			\$12,087.80
139	BEACH DRIVE ASSESSMENT DISTRICT ADMIN EXPENSE	\$1,879.45		(\$311.60)			\$1,567.85
140	COMMUNITY DEVELOPMENT BLOCK GRANT	\$0.00					\$0.00
145	PROPOSITION A	\$1,487,517.11	\$22,637.03	\$3,932.51	(\$10,311.25)	(22.74)	\$1,503,752.66
146	PROPOSITION C	\$1,166,520.75	\$20,868.70	\$3,307.83	(\$15,413.93)		\$1,175,283.35
147	MEASURE R	\$1,086,734.70	\$15,661.47	\$2,897.32	(\$75,878.60)		\$1,029,414.89
148	MEASURE M	\$309,323.93	\$16,580.86	\$919.75			\$326,824.54
150	GRANTS	\$977,241.76	\$15,000.00		(\$19,283.37)		\$972,958.39
152	AIR QUALITY MANAGEMENT DISTRICT	\$4,877.65		(\$407.92)		(28.40)	\$4,441.33
153	SUPPLEMENTAL LAW ENFORCEMENT SERVICES	\$247,620.96		\$679.64	(\$6,842.84)		\$241,457.76
160	SEWER MAINTENANCE	\$5,917,475.58	\$6,567.07	(\$491.95)	(\$57,627.22)	(940.84)	\$5,864,982.64
161	STORM DRAIN FUND	\$937,228.84		\$101,157.54	(\$4,680.02)	(960.85)	\$1,032,745.51
170	ASSET SEIZURE/FORFEITURE	\$530,076.00		\$1,496.19			\$531,572.19
180	FIRE PROTECTION	\$69,464.13	\$1,443.84	\$186.84	(\$4,716.34)		\$66,378.47
190	RTI UNDERSEA CABLE	\$332,520.06		\$938.57			\$333,458.63
191	RTI UNDERSEA CABLE TIDELANDS	\$241,832.71		\$682.60			\$242,515.31
201	2015 LEASE REVENUE BONDS	\$0.00					\$0.00
301	CAPITAL IMPROVEMENT	\$7,294,077.17		\$20,522.97	(\$23,142.01)		\$7,291,458.13
302	ARTESIA BLVD RELINQUISHMENT	\$0.00					\$0.00
609	BAYVIEW DRIVE REDEMPTION	\$84,788.95		\$238.50			\$85,027.45
610	LOWER PIER DISTRICT REDEMPTION	\$2,977.86		\$8.38			\$2,986.24
611	BEACH DRIVE ASSESSMENT DISTRICT REDEMPTION	\$42,026.32		\$118.24			\$42,144.56
612	BEACH DRIVE ASSESSMENT DISTRICT RESERVE	\$4,374.00		\$12.31			\$4,386.31
617	MYRTLE AVE ASSESSMENT	\$35,105.70	\$586.01	\$100.42			\$35,792.13
618	LOMA DRIVE ASSESSMENT	\$71,071.83	\$1,008.78	\$202.79			\$72,283.40
619	BAYVIEW DRIVE DISTRICT RESERVE	\$14,362.00		\$40.41			\$14,402.41
705	INSURANCE	\$6,214,710.90		\$427,197.06	(141,194.80)	(1,015.18)	\$6,499,697.98
715	EQUIPMENT REPLACEMENT	\$5,885,005.06	\$8,986.78	\$241,776.48	(\$851,476.86)	(\$2,029.01)	\$5,282,262.45
	TOTAL GENERAL ACCOUNT	\$39,561,409.15	\$1,945,471.87	(\$790,581.84)	(\$2,477,059.04)	(\$185,452.70)	\$38,053,787.44

TRUST ACCOUNTS	BALANCE 10/31/2018	DEPOSITS	CHARGES	BALANCE 11/30/2018
PAYROLL	\$44,297.43	\$1,211,384.34	(\$1,204,699.57)	\$50,982.20
CABLE TV DEPOSIT	\$16,603.81			\$16,603.81
	\$60,901.24	\$1,211,384.34	(\$1,204,699.57)	\$67,586.01

TOTAL ALL ACCOUNTS

\$38,121,373.45

INVESTMENTS  
\$34,747,657.66

INTEREST COLLECTED  
TO DATE FOR FY 18/19  
\$246,754.65

BANK BALANCES	
GENERAL	\$3,698,673.43
TRUST ACCOUNTS	\$116,989.13
	\$3,815,662.56
OUTSTANDING CHECKS	(\$441,946.77)
	\$3,373,715.79
INVESTMENTS	\$34,747,657.66
BALANCE	\$38,121,373.45

APPROVED : KAREN NOWICKI, CITY TREASURER



**Staff Report**

---

**Staff Report**

REPORT 19-0001

---

**Honorable Mayor and Members of the Hermosa Beach City Council  
Regular Meeting of January 8, 2019**

**RECOMMENDATION TO REJECT CLAIM**  
(Human Resources Manager Vanessa Godinez)

**Recommended Action:**

Staff recommends that the City Council reject the following claim and refer it to the City's Liability Claims Administrator.

Claimant: Brian Anstey

Date of Loss: June 26, 2018

Date Filed: November 19, 2018

Allegation: Police officers from an outside agency were chasing a suspect. The suspect damaged the claimant's fence while trying to escape.

**Attachments:**

1. Claim Report for Brian Anstey

**Respectfully Submitted:** Vanessa Godinez, Human Resources Manager

**Legal Review:** Mike Jenkins, City Attorney

**Approved:** Suja Lowenthal, City Manager



# CITY OF HERMOSA BEACH

## CLAIM REPORTING FORM FOR ALL PERSONS OR PROPERTY

FILE WITH: City Clerk's Office City of Hermosa Beach 1315 Valley Drive Hermosa Beach, CA 90254	RESERVE FOR FILING STAMP  DEPT. NO. _____
<b>INSTRUCTIONS</b> 1. Claims for death, injury to person or to personal property must be filed not later than six months after the occurrence. (Gov. Code Sec. 911.2) 2. Claims for damages to real property must be filed not later than 1 year after the occurrence. (Gov. Code Sec. 911.2) 3. Read entire claim form before filing. 4. See page 2 for diagram upon which to locate place of accident. 5. This claim form must be signed on page 2 at bottom. 6. Attach separate sheets, if necessary, to give full details.	
Name of Claimant <b>BRIAN ANSTEY (HOA SECRETARY)</b>	
The following information is required by the Federal government for all claims of personal injury:	
Social Security Number: _____ Date of Birth: <b>06/09/1945</b>	
Home Address Of Claimant <b>736 GOULD AVE # 23 HERMOSA BEACH, CA 90254</b>	Occupation of Claimant <b>REAL ESTATE BROKER</b>
Business Address of Claimant <b>525 S. DOUGLAS ST. #270 EL SEGUNDO, CA 90245</b>	Home Telephone Number <b>(310) 798-7950</b>
Give address and telephone number to which you desire notices or communications to be sent regarding this claim. <b>310 480 3890 736 GOULD AVE # 23, HERMOSA BEACH</b>	Business Telephone Number <b>424 281-3700</b>
Date of Damage/Loss/Injury <b>JUNE 26, 2018</b>	3:30 Time <b>(P.M.)</b> A.M.
Place of Damage/Loss/Injury <b>736 GOULD AVE, HERMOSA BEACH, CA 90254</b>	
How did damage/loss/injury occur? (Be specific) <b>REDONDO BEACH POLICE WERE IN A STOLEN VEHICLE CHASE, WHICH ENDED IN OUR DEAD-END DRIVEWAY</b>	
Were Police at scene? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Were Paramedics at scene? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Report No. _____
What particular act or omission do you claim caused the damage/loss/injury. <b>THE FUGITIVE EXITED THE VEHICLE AND, WHILE ATTEMPTING TO ESCAPE, DAMAGED A SECTION OF OUR PERIMETER WOODEN FENCE</b>	
Name of City employee(s) causing the damage/loss/injury: <b>N/A.</b>	

The amount claimed, as of the date of presentation of this claim, is computed as follows: (please attach estimates/receipts)

PLEASE REMEMBER TO SIGN CLAIM FORM

F/B95/Personnel/claim form

City Clerk's Office  
City of Hermosa Beach  
1615 Valley Drive  
Hermosa Beach, CA 90254

November 15, 2018

**RE: CLAIM REPORT**

Dear Sir/Madam:

On June 26<sup>th</sup>, 2018, in the early afternoon, the Redondo Beach Police Dept commenced a stolen vehicle chase. The chase abruptly ended, at approximately 3.30pm, when the fugitive driver took a wrong turn and ended up in our dead-end driveway, at 736 Gould Avenue, Hermosa Beach.

He exited the vehicle and, attempting to escape, climbed over our wooden fence. He was immediately apprehended but he'd badly damaged a section of the fence. The incident was viewed by several my fellow condo owners.

The Redondo Beach Police Department's Case Number is **DR#18-3590**.

Enclosed please find your Claim Form; an aerial photo; and a repair quote for our fence, the cost of which, we are requesting from the City of Hermosa Beach.

Please let me know if you need additional information.

Thank you



Brian Anstey, Secretary  
Sea View Villas HOA  
736 Gould Avenue, # 23  
Hermosa Beach, CA 90254

Damages incurred to date (exact):  
 Expenses for medical and hospital care ..... \$ \_\_\_\_\_  
 Loss of earnings ..... \$ \_\_\_\_\_  
 Special damages for ..... \$ \_\_\_\_\_  
 General damages..... FENCE \$ 2,250.00  
 Total damages incurred to date..... \$ 2,250.00

Estimated expenses for medical and hospital care  
 Future expenses for medical and hospital care ..... \$ \_\_\_\_\_  
 Future loss of earnings ..... \$ \_\_\_\_\_  
 Other prospective special damages ..... \$ \_\_\_\_\_  
 Prospective general damages ..... \$ \_\_\_\_\_  
 Total estimate prospective damages..... \$ \_\_\_\_\_

WITNESSES to DAMAGE or INJURY: LIST ALL PERSONS and addresses of persons known to have information:

Name A. NAVAB Address 736 GOULD AVE #13 Phone 310-383-3483  
HERMOSA BEACH  
 Name P. MARONA Address 736 GOULD AVE #18 Phone 310-374-3281  
HERMOSA BEACH  
 Name G. MOELLER Address 736 GOULD AVE #16 Phone 310-628-3522  
HERMOSA BEACH

DOCTORS and HOSPITALS:

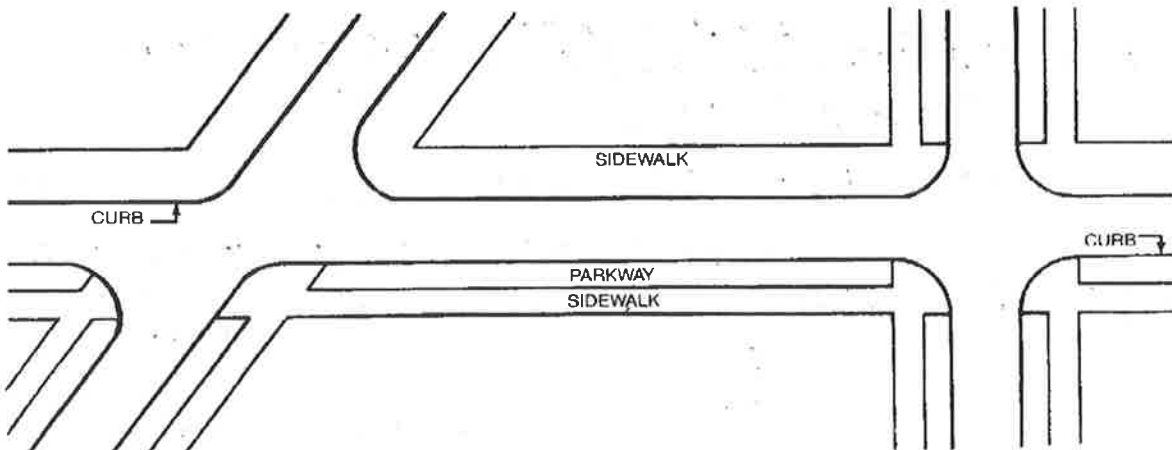
Hospital \_\_\_\_\_ Address \_\_\_\_\_ Date Hospitalized \_\_\_\_\_  
 Doctor \_\_\_\_\_ Address \_\_\_\_\_ Date of Treatment \_\_\_\_\_  
 Doctor \_\_\_\_\_ Address \_\_\_\_\_ Date of Treatment \_\_\_\_\_

READ CAREFULLY

For all accident claims place on following diagram names of streets, including North, East, South, and West; indicate place of accident by "X" and showing house number or distances to street corners. If City vehicle was involved, designate by letter "A" location of City vehicle when you first saw it, and by "B" location of yourself or your vehicle.

when you first saw City vehicle; location of City vehicle at time of accident by "A-1", and location of yourself or your vehicle at the time of the accident by "B-1" and the point of impact by "X".

NOTE: If diagrams below do not fit the situation, attach hereto a proper diagram signed by claimant.



Signature of claimant or person filing on his behalf giving relationship to Claimant: <u>Brian Anstey</u>	Typed Name: <u>BRIAN ANSTEY</u>	Date: <u>11/16/2018</u>
--	------------------------------------	----------------------------

YOUR CLAIM WILL BE PLACED ON A CITY COUNCIL AGENDA FOR ACTION BY THE CITY COUNCIL. YOUR CLAIM WILL BE IN THE PUBLIC DOMAIN; CLAIM FORMS ARE PUBLIC RECORDS; CITY COUNCIL AGENDAS ARE POSTED ON THE CITY'S WEBSITE; THE MEETING AT WHICH YOUR CLAIM WILL BE CONSIDERED IS BOTH CABLECAST AND STREAMED LIVE OVER THE INTERNET; MINUTES OF THE MEETING WILL REFLECT THE ACTION TAKEN ON YOUR CLAIM AND ARE POSTED ON THE CITY'S WEBSITE.



← change order 2

# ARAUJO DESIGN CONSTRUCTION GROUP

---

**Owner:** Sea View Villas  
**Site Address:** 756 Gould Ave  
Hermosa Beach, CA 90254

**RE: Perimeter Fence**

**SCOPE OF WORK: Perimeter Fencing at property SOUTH SIDE**

1. Demo and Haul away existing wood fencing
2. Post shall be 4X4" Rough ci-hart redwood set into new post bases (New zinc bolts to be use at post to base connections.)
3. Horizontal rails shall be 2X4" rough con-hart redwood face notched into 4X4' posts.(3" stainless steel screws shall be used at rail to post connection.)
4. Fencing boards shall be 1"X6"X5' 10" rough cedar.(Normal size approx. ¾"X51/2"X5' 10")
5. Fencing to be attached to 2'X4" rails using 1 ½" stainless steel screws.
6. Fencing boards shall be on one side only. There shall be approx. a one (1) space between each board.
7. Fencing shall be primed with one coat of KILZ2 primer and two finish coats of DUNN EDWARDS Acraflat paint.(Color to be selected by HOA)and color is to match existing color.
8. New post supports per structural engineer detail.Detail to be submitted to city.
9. Thirty (30) Linear feet of Fence
10. Three (3) new of posts (all to have new supports per structural detail.)

**EXCLUSIONS:**

Any permit, plans, engineering or city fees, and deputy inspections are not part of this contract.  
Total Amount Due: .....\$2,250.00(Two Thousand Two Hundred fifty Dollars)

---

**480** Owner: **Sea View Villas** Date



9/12/2018 Date

Araujo Design Construction Group, Inc.  
Carlos Araujo  
Lic. #: 819440





Staff Report

---

Staff Report

REPORT 19-0005

---

Honorable Mayor and Members of the Hermosa Beach City Council  
Regular Meeting of January 8, 2019

**ORDINANCE NO. 18-1389 - "AN ORDINANCE OF THE CITY OF HERMOSA BEACH, CALIFORNIA, ADDING CHAPTER 5.78 TO THE HERMOSA BEACH MUNICIPAL CODE (TOBACCO RETAILERS) REQUIRING LICENSURE OF TOBACCO RETAILERS AND LIMITING SALE OF ELECTRONIC SMOKING DEVICES AND FLAVORED TOBACCO PRODUCTS TO REDUCE THE ILLEGAL SALE OF TOBACCO TO YOUTH AND AMENDING SECTION 1.10.040 TO MAKE VIOLATIONS OF CHAPTER 5.78 SUBJECT TO ADMINISTRATIVE PENALTY PROCEDURES"**

(City Clerk Elaine Doerfling)

**Recommended Action:**

The City Clerk recommends that the City Council waive full reading and adopt by title Ordinance No. 18-1389.

**Background:**

At the December 11, 2018 City Council meeting, staff presented the draft ordinance for Council consideration. Following the public hearing, the Council introduced the ordinance, with the following revisions, by a 3-1 vote (Armato dissented, Duclos absent):

1. Section 5.78.100 D should now read: Minimum age for Persons selling tobacco. No Person who is younger than *eighteen (18)* years of age shall engage in Tobacco Retailing.
2. The effective date of this ordinance is June 1, 2019.

**General Plan Consistency:**

This Ordinance, associated reports and recommendations have been evaluated for their consistency with the City's General Plan. Relevant policies are listed below:

**Governance Element:**

**3.6 Healthy Air Hermosa.** Maintain high quality outdoor and public spaces in Hermosa Beach through the Healthy Air Hermosa program, or subsequent programs which aim to reduce cigarette smoke.  
**7.3 Health in all policies.** Integrate health, livability, and sustainability principles when adopting new policies and periodically review and evaluate adopted policies for their impact or opportunity to

---

**Staff Report**

REPORT 19-0005

---

improve health, livability, and sustainability.

**Attachments:**

1. Ordinance No. 18-1389

**Respectfully Submitted by:** Linda Abbott, Deputy City Clerk

**Concur:** Elaine Doerfling, City Clerk

**Noted:** Suja Lowenthal, City Manager

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**ORDINANCE NO. 18-1389**

**AN ORDINANCE OF THE CITY OF HERMOSA BEACH, CALIFORNIA, ADDING CHAPTER 5.78 TO THE HERMOSA BEACH MUNICIPAL CODE (TOBACCO RETAILERS) REQUIRING LICENSURE OF TOBACCO RETAILERS AND LIMITING SALE OF ELECTRONIC SMOKING DEVICES AND FLAVORED TOBACCO PRODUCTS TO REDUCE THE ILLEGAL SALE OF TOBACCO TO YOUTH AND AMENDING SECTION 1.10.040 TO MAKE VIOLATIONS OF CHAPTER 5.78 SUBJECT TO ADMINISTRATIVE PENALTY PROCEDURES**

**THE CITY COUNCIL OF THE CITY OF HERMOSA BEACH, CALIFORNIA, DOES HEREBY ORDAIN AS FOLLOWS:**

**SECTION 1.** A new Chapter 5.78, entitled “Tobacco Retailers” and containing Sections 5.78.010 through 5.78.150, is added to Title 5 of the Hermosa Beach Municipal Code (the “Code”) to read as follows:

**Chapter 5.78 TOBACCO RETAILERS**

**Sections:**

**5.78.010 Title**

**5.78.020 Purpose**

**5.78.030 Definitions**

**5.78.040 Tobacco Retailer license required**

**5.78.050 Limits on eligibility and location**

**5.78.060 License application procedure**

**5.78.070 Issuance of Tobacco Retailer license**

**5.78.080 Term and renewal**

**5.78.090 License nontransferable**

**5.78.100 Operating requirements and prohibitions**

**5.78.110 Compliance monitoring and enforcement**

**5.78.120 Violations**

**5.78.130 Tobacco Retailing Without a Valid License**

**5.78.140 New license after revocation**

1 **5.78.150 Implementing rules and regulations**

2 **5.78.010 Title.**

3 This Chapter shall be known as the “Tobacco Retailer Ordinance” of the City of Hermosa Beach.

4 **5.78.020 Purpose.**

5 In enacting this Chapter, it is the intent of the City Council to encourage responsible Tobacco  
6 Retailing and to discourage violations of tobacco-related laws, especially those involving the sale  
7 or distribution of tobacco and nicotine products to youth.

8 **5.78.30 Definitions.**

9 The following words and phrases, whenever used in this Chapter, shall have the meanings  
10 defined in this section unless the context clearly requires otherwise:

11 “Arm’s Length Transaction” means a Sale in good faith and for valuable consideration that  
12 reflects the fair market value in the open market between two informed and willing parties, neither  
13 of which is under any compulsion to participate in the transaction. A Sale between relatives, related  
14 companies or partners, or a Sale for which a significant purpose is avoiding the effect of the  
15 violations of this Chapter is not an Arm’s Length Transaction.

16 “Consumer” means a person who purchases a Tobacco Product for consumption and not for  
17 Sale to another.

18 “Electronic Smoking Device” has the same meaning as the term is defined in Hermosa  
19 Beach Municipal Code Section 8.40.010.

20 “Enforcement Official” means any member of the Hermosa Beach Code Enforcement  
21 Department, the Hermosa Beach Police Department, the California Department of Health Services,  
22 the California Alcohol Beverage Control Department, and the Los Angeles County Sheriff’s  
23 Department, or their designees.

24 “Flavored Tobacco Product” means a Tobacco Product containing an additive with an  
25 artificial or natural flavor or an herb or spice, including but not limited to a characterizing flavor  
26 such as mint, menthol, wintergreen, strawberry, grape, orange, clove, cinnamon, pineapple, vanilla,  
27 coconut, licorice, cocoa, chocolate, cherry, or coffee. A public statement or claim made or  
28 disseminated by the manufacturer of a Tobacco Product, or by any person authorized or permitted

1 by the manufacturer to make or disseminate public statements concerning such Tobacco Product,  
2 that such Tobacco Product has or produces such a characterizing flavor shall constitute presumptive  
3 evidence that the Tobacco Product is a Flavored Tobacco Product.

4 “Little Cigar” means any roll of tobacco other than a cigarette wrapped entirely or in part in  
5 tobacco or any substance containing tobacco and weighing no more than three pounds per thousand.

6 “Little Cigar” includes, but is not limited to, any Tobacco Product known or labeled as “small cigar”  
7 or “little cigar.”

8 “Package” means a pack, box, carton, or container of any kind or, if no other container, any  
9 wrapping (including cellophane) in which a Tobacco Product is sold or offered for Sale to a  
10 Consumer.

11 “Person” means any individual, partnership, co-partnership, firm, association, joint stock  
12 company, corporation, or combination of the above in whatever form or character.

13 “Pharmacy” means any retail establishment in which the profession of pharmacy is practiced  
14 by a pharmacist licensed by the State of California in accordance with the Business and Professions  
15 Code and where prescription pharmaceuticals are offered for Sale, regardless of whether the retail  
16 establishment sells other retail goods in addition to prescription pharmaceuticals.

17 “Restaurant” means a place where people pay to sit and eat meals that are cooked and served  
18 on the premises. “Restaurant” does not include a deli where prepared foods are ordered, purchased,  
19 and picked up by a Person to be eaten outside or off the premises without service.

20 “Sale” means any transfer, exchange, barter, gift, offer for sale, or distribution for a  
21 commercial purpose, in any manner or by any means whatsoever.

22 “Self-Service Display” means the open display or storage of Tobacco Products in a manner  
23 that is physically accessible in any way to the general public without the assistance of the retailer or  
24 employee of the retailer and a direct Person-to-Person transfer between the purchaser and the retailer  
25 or retailer’s agent or employee. A vending machine is a form of Self-Service Display.

26 “Smoking” means the combustion, electrical ignition or vaporization and/or inhaling,  
27 exhaling, burning, or carrying any lighted, heated, or ignited cigar, cigarette, cigarillo, pipe, hookah,

28

1 Electronic Smoking Device, or any plant product intended for human inhalation that facilitates the  
2 release of gases, particles, or vapors into the air.

3 “Tobacco Paraphernalia” means any item designed for the consumption, use, or preparation  
4 of Tobacco Products.

5 “Tobacco Product” means:

6 (1) Any product containing, made, or derived from tobacco or nicotine that is intended  
7 for human consumption, whether smoked, heated, chewed, absorbed, dissolved, inhaled, snorted,  
8 sniffed, or ingested by any other means, including, but not limited to cigarettes, cigars, little cigars,  
9 chewing tobacco, pipe tobacco, snuff, snus;

10 (2) Any Electronic Smoking Device, with or without nicotine.

11 (3) Notwithstanding any provision of subsections (1), (2) and (3) to the contrary,  
12 “Tobacco Product” includes any component, part, or accessory of a Tobacco Product, whether or  
13 not sold separately. “Tobacco Product” does not include any product that has been approved by the  
14 United States Food and Drug Administration for Sale as a tobacco cessation product or for other  
15 therapeutic purposes where such product is marketed and sold solely for such an approved purpose.

16 “Tobacco Retailer” means any Person who sells, offers for Sale, or does or offers to  
17 exchange for any form of consideration, tobacco, Tobacco Products or Tobacco Paraphernalia.

18 “Tobacco Retailing” shall mean the doing of any of these things. This definition is without regard  
19 to the quantity of Tobacco Products or Tobacco Paraphernalia sold, offered for Sale, exchanged, or  
20 offered for exchange.

21 **5.78.040 Tobacco Retailer license required.**

22 It shall be unlawful for any Person to engage in Tobacco Retailing in the City without first obtaining  
23 and maintaining a valid Tobacco Retailer license pursuant to the provisions of this Chapter for each  
24 location at which that activity is to occur.

25 **5.78.050 Limits on eligibility and location.**

26 A. No license may be issued under this Chapter to authorize Tobacco Retailing at other  
27 than a fixed location, such as on foot or from vehicles.

28

1           B. No license may be issued under this Chapter to authorize Tobacco Retailing at a  
2 temporary or recurring temporary event, such as farmers' markets, special events, or mobile carts.

3           C. No license may be issued under this Chapter to authorize Tobacco Retailing at any  
4 location that violates any provision of the Hermosa Beach zoning ordinance.

5           D. Pharmacies. No license may be issued to authorize Tobacco Retailing in a  
6 Pharmacy.

7           E. Schools and Youth-Populated Areas. Tobacco Retailing is prohibited near schools  
8 and areas with youth populations as follows:

9           (1) No license may issue to authorize Tobacco Retailing within 500 feet of a Youth-  
10 Populated Area as measured by a straight line from the nearest point of the property line of the  
11 parcel on which the Youth-Populated Area is located to the nearest point of the property line of the  
12 parcel on which the applicant's business is located.

13           For the purposes of this subsection, a "Youth-Populated Area" means a parcel in the  
14 City that is occupied by:

15           (i) a private or public kindergarten, elementary, middle, junior high, or high  
16 school;

17           (ii) a library open to the public;

18           (iii) a playground or sandbox area open to the public, as defined by California  
19 Health & Safety Code § 104495; or

20           (iv) a youth center, defined as a facility where children, ages 6 to 17, inclusive,  
21 come together for programs and activities.

22           F. Premises Furnishing Alcohol and/or Food for On-Site Consumption. No license may  
23 issue to authorize Tobacco Retailing at any of the following locations: (i) a place that is licensed  
24 under state law to serve alcoholic beverages for consumption on the premises (e.g., an "on-Sale"  
25 license issued by the California Department of Alcoholic Beverage Control); or (ii) a Restaurant, as  
26 the term is defined in this Chapter.

27           G. Notwithstanding the foregoing, a Tobacco Retailer operating lawfully on the  
28 effective date of this ordinance that otherwise would be eligible for a Tobacco Retailer license for



1 the location for which a license is sought may receive or renew a license for that location so long  
2 as: (i) the license is timely obtained and is renewed without lapse or permanent revocation (as  
3 opposed to temporary suspension); (ii) the Tobacco Retailer is not closed for business or otherwise  
4 suspends Tobacco Retailing for more than sixty (60) consecutive days; (iii) the Tobacco Retailer  
5 does not substantially change the business premises or business operation; and (iv) the Tobacco  
6 Retailer retains the right to operate under other applicable laws, including without limitation the  
7 zoning ordinance, building codes, and business license tax ordinance.

8 **5.78.060 License application procedure.**

9 A. Any Person seeking a license pursuant to this Chapter shall submit a completed  
10 application, on a City-approved form, to the Finance Department.

11 B. The application for a license under this Chapter shall be submitted in the name of  
12 each and every business owner proposing to conduct retail tobacco Sales for each location at which  
13 retail tobacco Sales are being proposed and shall be signed by each business owner or an authorized  
14 agent thereof.

15 C. Said application shall contain the following information:

16 1. The name, address, and telephone number of each business owner seeking a  
17 license.

18 2. The business name, address, and telephone number of the single, fixed location  
19 for which a license is sought.

20 3. A single name and mailing address of an agent authorized by each business  
21 owner to receive all communications and notices required by, authorized by, or convenient to the  
22 enforcement of this Chapter. If an authorized agent is not supplied, each business owner shall be  
23 understood to consent to the provision of notice at the business address specified in subparagraph 2  
24 above.

25 4. Proof that the location for which a Tobacco Retailer license is sought has been  
26 issued a valid state Tobacco Retailer's license by the California Department of Tax and Fee  
27 Administration.

28

1                   5. Whether any business owner or any agent of the business owner was previously  
2 issued a license pursuant to this Chapter which was at any time suspended or revoked, and, if so,  
3 the dates of the suspension period or the date of the revocation.

4                   6. Whether any business owner or any agent of the business owner has been  
5 determined to have violated any provision of this Chapter or any State or Federal tobacco-related  
6 law, and, if so, the dates of all such violations within the preceding five (5) years.

7                   7. Such other information as the Finance Department deems necessary for the  
8 administration or enforcement of this Chapter as specified on the application form required by this  
9 Chapter.

10                  D. The City Council may establish by resolution the amount of an application fee for  
11 the Tobacco Retailer license in an amount not to exceed the City's reasonable cost of providing the  
12 services required by this Chapter, in which case the City shall accept no application unless  
13 accompanied by payment of such fee.

14                  E. An applicant or agent thereof shall inform the Finance Department in writing of any  
15 change in the information submitted on an application for a Tobacco Retailer registration within ten  
16 (10) business days of a change.

17 **5.78.070        Issuance of Tobacco Retailer license.**

18                  A. Upon the receipt of a completed application for a Tobacco Retailer license and the  
19 corresponding application fee, if any, the Finance Department, with consultation of Community  
20 Development Department for location requirements, shall issue a license unless substantial evidence  
21 demonstrates that one or more of the following bases for denial exists:

22                    1. The information presented in the application is inaccurate or false. Intentionally  
23 supplying inaccurate or false information shall be a violation of this Chapter.

24                    2. The application seeks authorization for Tobacco Retailing at a location  
25 prohibited by Section 5.78.050 of this Chapter.

26                    3. The applicant has had a license issued pursuant to this Chapter revoked within  
27 the preceding twelve (12) months.

28

1           4. The application seeks authorization for Tobacco Retailing that is otherwise  
2 prohibited pursuant to this Chapter, that is unlawful pursuant to this Code (including without  
3 limitation the Hermosa Beach zoning ordinance and business license regulations), or that is unlawful  
4 pursuant to any other law.

5           5. The applicant is indebted to the City for any unpaid fee or fine.

6           B. Any applicant aggrieved by a decision denying a license pursuant to this  
7 Chapter may contest the decision by appealing the decision to the City Council by filing with the  
8 City Manager a written notice of appeal within ten (10) business days of the date of receipt of the  
9 license denial. Upon receipt of a timely, written request for an appeal, the City Clerk shall set a  
10 hearing to occur within forty-five (45) days before the Council or its designated hearing officer and  
11 shall provide written notice of same by first class mail to the appellant. The City Council shall  
12 sustain or overrule with conditions, the denial or intended revocation upon written findings within  
13 thirty (30) days of the conclusion of the hearing.

14           **5.78.080 Term and renewal.**

15           A. A Tobacco Retailer license issued pursuant to this Chapter shall be valid for  
16 one (1) year after the date of issuance, unless it is revoked earlier in accordance with the provisions  
17 of this Chapter. The expiration date of each Tobacco Retailer license shall be shown on the license  
18 itself and each Tobacco Retailer license shall expire at midnight on the expiration date.

19           B. Each Tobacco Retailer who seeks to renew a license issued pursuant to this  
20 Chapter shall submit a renewal application on a City-approved form and tender any applicable fees  
21 to the Finance Department no later than thirty (30) calendar days prior to the expiration of the  
22 license. Any license issued pursuant to this Chapter that is not timely renewed shall expire and  
23 become null and void at the end of its term.

24           C. An application to renew a license issued pursuant to this Chapter may be  
25 denied by the Finance Department upon the grounds set forth in Section 5.78.070 of this Chapter.

26           **5.78.090 License nontransferable.**

27           A. No Person shall operate under a name, or conduct business under a  
28 designation, not specified on the license.

1 B. A license issued pursuant to this Chapter may not be transferred from one  
2 Person to another or from one location to another. A change in business owner, business name, or  
3 location shall render the license null and void, and shall require a new license to be obtained in  
4 accordance with the provisions of this Chapter.

5 **5.78.100 Operating requirements.**

6 The following operating requirements shall be deemed conditions of any Tobacco Retailer  
7 license issued pursuant to the provisions of this Chapter, and failure to comply with any such  
8 requirement shall be grounds for suspension, revocation, or the imposition of administrative fines  
9 in accordance with Section 5.78.120 of this Chapter.

10 A. Posting of license. Each license issued pursuant to this Chapter shall be  
11 prominently displayed in a publicly visible location at the permitted location.

12 B. Retail Sales to Persons under twenty one prohibited. No Person engaged in  
13 Tobacco Retailing shall sell or offer to sell, give or offer to give, or transfer or offer to transfer any  
14 Tobacco Product to any Person who is under the legal age under state law to purchase and possess  
15 Tobacco Products, which is age twenty-one (or eighteen if active military).

16 C. Positive identification required. No Tobacco Retailer shall sell or transfer a  
17 Tobacco Product to any Person who appears to be under the age of thirty (30) years old without first  
18 examining the identification of that Person to confirm that Person is at least the minimum age under  
19 state law to purchase and possess the product. The Tobacco Retailer or agent thereof shall refuse  
20 the Sale or transfer of any Tobacco Product to any Person who appears to be under the age of thirty  
21 (30) years old, who fails to present valid, legal photo identification prior to the Sale or transfer.

22 D. Minimum age for Persons selling tobacco. No Person who is younger than  
23 eighteen (18) years of age shall engage in Tobacco Retailing.

24 E. Self-Service Displays prohibited. Tobacco Retailing by means of a self-  
25 service display is prohibited.

26 F. Electronic Smoking Device. No retailer shall sell an Electronic Smoking  
27 Device or any product used in an Electronic Smoking Device. The prohibition in the preceding  
28 sentence shall not apply to a retailer that permits only patrons 21 years of age or older, or active

1 duty military personnel who are eighteen (18) years of age or older, to enter the location where the  
2 Tobacco Product is sold.

3 G. Flavored Tobacco Products. No retailer shall sell Flavored Tobacco  
4 Products. The prohibition in the preceding sentence shall not apply to a retailer that permits only  
5 patrons twenty-one (21) years of age or older, or active duty military personnel who are eighteen  
6 (18) years of age or older, to enter the location where the Tobacco Product is sold.

7 H. Packaging and Labeling. No Tobacco Retailer shall Sell any Tobacco  
8 Product to any Consumer unless such product: (1) is sold in the original manufacturer's Package  
9 intended for Sale to Consumers; and (2) conforms to all applicable federal labeling requirements.

10 I. Minimum Package Size for Little Cigars. No Tobacco Retailer shall Sell to a  
11 Consumer any Little Cigar unless it is sold in a Package of at least twenty Little Cigars.

12 J. False and misleading advertising prohibited. A Tobacco Retailer who does  
13 not have a valid license pursuant to this Chapter or whose license has been suspended or revoked  
14 shall not display any item or advertisement relating to Tobacco Products that promotes the Sale or  
15 distribution of such products from the premises or that could lead a reasonable Consumer to believe  
16 that Tobacco Products can be obtained at that location. Such display or advertisement in violation  
17 of this provision shall constitute Tobacco Retailing without a valid license.

18 **5.78.110 Compliance monitoring and enforcement.**

19 A. Compliance checks shall be conducted so as to allow Enforcement Officials  
20 to determine, at a minimum, if a Tobacco Retailer is complying with laws regulating youth access  
21 to tobacco. The Chief of Police may also conduct compliance checks to determine compliance with  
22 other laws applicable to Tobacco Retailing.

23 B. During business hours, Enforcement Officials shall have the right to enter  
24 any place of business for which a license is required by this Chapter for the purpose of making  
25 reasonable inspections to observe and enforce compliance with the provisions of this Chapter and  
26 any other applicable regulations, laws, and statutes.

27  
28

1 C. The Hermosa Beach Police Department (or designee thereof) may  
2 promulgate and adopt policies, procedures, and guidelines for the participation of Persons under the  
3 minimum legal age for tobacco purchases in compliance checks pursuant to this Chapter (“Youth  
4 Decoys”).

5 D. Enforcement Officials shall inspect each Tobacco Retailer at least one (1)  
6 time per every twelve (12) month period. Nothing in this paragraph shall create a right of action in  
7 any licensee or other Person against the City or its agents.

8 **5.78.120 Violations.**

9 A. Administrative fine. In addition to any other penalty authorized by law,  
10 violations of this Chapter are subject to the administrative citations and penalties provisions in Title  
11 1, Chapter 1.10 of this Code.

12 B. Suspension or revocation.

13 1. In addition to any other penalty authorized by law, a Tobacco Retailer’s  
14 license shall be suspended or revoked if the City finds based on a preponderance of the evidence,  
15 after the licensee is afforded notice and an opportunity to be heard, that any of the following has  
16 occurred:

17 a. The licensee or his/her agent or employee has violated any provision  
18 of this Chapter;

19 b. The licensee or his/her agent or employee has continued to operate as  
20 a Tobacco Retailer after a license issued pursuant to this Chapter has been suspended; or

21 c. The retailer violates any provision of this Chapter twice within any  
22 thirty-six (36) month period.

23 2. Notwithstanding the foregoing, a license may be revoked if it is  
24 determined that one or more grounds for denial of a license under Section 5.78.070 of this Chapter  
25 existed at the time the application was made or at any time before the license was issued. No  
26 administrative fine shall accompany a revocation of a wrongly issued license.

27  
28

1                   3. Any applicant aggrieved by a decision revoking or suspending a license  
2 pursuant to this Chapter may contest the decision in the same manner as a challenge of an  
3 administrative citation, pursuant to the procedure set forth in Section 5.78.070(B).

4                   **5.78.130 Tobacco Retailing Without a Valid License.**

5 In addition to any other penalty authorized by law, if the City based on a preponderance of evidence,  
6 after notice and an opportunity to be heard, determines that any Person has engaged in Tobacco  
7 Retailing at a location without a valid Tobacco Retailer's license, either directly or through the  
8 Person's agents or employees, the Person shall be ineligible to apply for, or to be issued, a Tobacco  
9 Retailer's license as follows:

10                   1. After a first violation of this section at a location, no new license may be issued for the  
11 Person or the location (unless ownership of the business at the location has been transferred in an  
12 Arm's Length Transaction), until thirty (30) days have passed from the date of the violation.

13                   2. After a second violation of this section at a location within any thirty-six (36) month  
14 period, no new license may issue for the Person or the location (unless ownership of the business at  
15 the location has been transferred in an Arm's Length Transaction), until ninety (90) days have  
16 passed from the date of the violation.

17                   3. After of a third or subsequent violation of this section at a location within any thirty-six  
18 (36) month period, no new license may be issued for the Person or the location (unless ownership  
19 of the business at the location has been transferred in an Arm's Length Transaction), until three (3)  
20 years have passed from the date of the violation.

21                   **5.78.140 New license after revocation.**

22 Notwithstanding any other provision of this Chapter, no Tobacco Retailer's license shall be issued  
23 to a Tobacco Retailer (or business owner thereof) whose license has previously been revoked  
24 pursuant to this Chapter for a period of twelve (12) months from the date of the prior revocation,  
25 unless ownership of the business at the location has been transferred in an Arm's Length  
26 Transaction.

27                   **5.78.150 Implementing rules and regulations.**

28

1 The City Manager is hereby authorized to make and promulgate any rules and regulations necessary  
2 to implement the requirements of this Chapter. The rules and regulations shall be in addition to the  
3 requirements set forth in this Chapter. In the event of a conflict between a provision set forth in this  
4 Chapter and a rule or regulation promulgated by the City Manager pursuant to this section, the more  
5 stringent or restrictive requirement or condition shall apply.

6 Section 2. Administrative Citations and Penalties. Section 1.10.040 of Chapter 1.10 of Title 1 the  
7 HBMC is hereby amended to add subparagraph (A)(19) to read as follows:

8 **“19. Chapter 5.78: Tobacco Retailer License”**

9 **SECTION 3.** Severability. If any section, subsection, subdivision, paragraph, sentence,  
10 clause or phrase of this Ordinance, or its application to any Person or circumstance, is for any reason  
11 held to be invalid or unenforceable, such invalidity or unenforceability shall not affect the validity  
12 or enforceability of the remaining sections, subsections, subdivisions, paragraphs, sentences,  
13 clauses or phrases of this Ordinance, or its application to any other Person or circumstance. The  
14 City Council of the City of Hermosa Beach hereby declares that it would have adopted each section,  
15 subsection, subdivision, paragraph, sentence, clause or phrase hereof, irrespective of the fact that  
16 any one or more other sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases  
17 hereof be declared invalid or unenforceable.

18 **SECTION 4.** This Ordinance shall become effective and be in full force and effect on June  
19 1, 2019.

20 **SECTION 5.** The City Council designated the City Attorney to prepare a summary of this  
21 ordinance to be published pursuant to Government Code Section 36933(c)(1) in lieu of the full text  
22 of said Ordinance. The City Clerk caused said summary to be published on January 3, 2019 [five  
23 (5) days before the adoption of the Ordinance] in the Easy Reader, a weekly adjudicated newspaper  
24 of general circulation, published and circulated in Hermosa Beach. Prior to the expiration of fifteen  
25 (15) days after the date of adoption of the Ordinance, the City Clerk shall cause the summary to be  
26 re-published in The Easy Reader.

27 **SECTION 6.** The City Clerk shall certify to the passage of this Ordinance, shall enter the  
28 same in the book of original ordinances of said city, and shall make minutes of the passage and



1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

adoption thereof in the records of the proceedings of the City Council at which the same is passed and adopted.

**PASSED, APPROVED and ADOPTED** this 8th day of January, 2019 by the following vote:

- AYES:
- NOES:
- ABSENT:
- ABSTAIN:

\_\_\_\_\_  
**PRESIDENT** of the City Council and **MAYOR** of the City of Hermosa Beach, California

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
City Clerk

\_\_\_\_\_  
City Attorney



Staff Report

---

Staff Report

REPORT 19-0015

---

Honorable Mayor and Members of the Hermosa Beach City Council  
Regular Meeting of January 8, 2019

**CONSIDERATION OF AN ORDINANCE TO ALLOW AND REGULATE  
WIRELESS COMMUNICATION FACILITIES IN THE PUBLIC  
RIGHT-OF-WAY AND CORRESPONDING DESIGN STANDARDS,  
AND UPDATE ON AT&T'S PROPOSAL FOR MULTIPLE  
INSTALLATIONS OF SMALLER WIRELESS COMMUNICATION  
FACILITIES TO PROVIDE REPLACEMENT COVERAGE TO  
EXISTING SITES LOCATED AT 20<sup>TH</sup> AND 29<sup>TH</sup> COURT**

*(Continued from meeting of September 25, 2018)*

(Assistant City Attorney Lauren Langer,  
Community Development Director Ken Robertson,  
and Public Works Director Glen Kau)

**Recommended Action:**

Staff recommends that the City Council:

1. Introduce for first reading the attached ordinance (Exhibit A) to amend Municipal Code, Title 12 to regulate wireless telecommunication facilities in the public right of way, and determine the project is not subject to the California Environmental Quality Act;
2. Adopt the attached Resolution to approve the corresponding Design Standards for wireless telecommunication facilities in the public right of way;
3. Direct staff to bring back a master license agreement with a standard lease rate for use of any public property for these facilities; and
4. Direct Public Works staff to bring back an amendment to the master fee schedule to establish application fees and penalty fees.

**Executive Summary:**

The demand for wireless broadband is expected to grow exponentially over the next several years. This growth is a result of the implementation of the tremendous amount of digital content such as streaming video, social media, Smart City applications, robots, drones, self-driving cars, artificial intelligence, and many more Internet of Things (IoT), applications.

Traditionally, wireless antennas and equipment were primarily installed on large towers on private land and on the rooftops of buildings. These deployments are subject to conditional use permit approval under the Zoning Code and are currently prohibited in residential zones.

---

## Staff Report

REPORT 19-0015

---

In recent years, companies increasingly seek to install wireless facilities in the City's public right of way ("ROW") on utility poles, streetlights and new poles. To accommodate the ever-growing demand, the wireless broadband telecommunications industry is starting to look for small cell 5G (fifth generation of cellular mobile communications) technology, which is a tenfold improvement in capacity over existing broadband. 5G technology is distinguished from the present 4G based wireless service by use of low power transmitters with coverage radius of approximately 400 feet - 5G thus requires close spacing of antennas and more of them. Street light poles and other poles are, therefore, ideally suited for 5G antenna placement due to their sheer numbers and locations where they are deployed throughout municipalities. Current predictions indicate that the next wave of wireless facility deployment (5G) will involve \$275 billion in investment over the next decade, with the vast majority of these new facilities anticipated to be placed in the ROW. Historically, telecommunications installations in the ROW are typically addressed through encroachment permits. However, the City's existing Municipal Code contains very minimal and outdated standards or regulations designed to address the unique aesthetic, safety, operational and locational issues in connection with the installation of wireless facilities in the ROW.

This report introduces an ordinance to provide the regulatory framework and standards for permitting the installation of small wireless facilities within the City's public right of way. Staff has been working with the City Attorney's office to draft an ordinance following City Council direction on November 28, 2017. As staff was finalizing the ordinance to present to the City Council over the summer, the Federal Communications Commission issued an order concerning small wireless facilities in the ROW. The draft ordinance and corresponding design standards have been revised in response. The proposed ordinance provides two benefits: (1) it updates the City's outdated regulations allowing the City to respond to an increased interest in locating small wireless facilities in the ROW (as opposed to private property); and (2) it provides a mechanism to allow two existing wireless facilities to re-locate to other locations in the ROW, which will resolve longstanding issues surrounding the facilities located in narrow residential alleys at 29th Court and 20th Court.

### **Background:**

#### **City's Current Rules and Regulations:**

The Hermosa Beach Municipal Code is outdated and ambiguous as to whether the ROW is subject to the prohibition of wireless communication facilities (WCFs) in residential zones. The regulations governing the ROW date back to 1994 and were originally drafted for traditional telephone corporations. It should be noted that the City's ROWs are not zoned and are considered "unclassified" property under the Zoning Ordinance. Yet to implement the intent of the City's wireless regulations in the Zoning Code, and because the Code is ambiguous, the prohibition against WCFs in the residential zones has typically been extended to the ROW adjacent to the residentially zoned areas. Since so much of the City is residential, it is becoming more challenging for wireless carriers to find feasible locations only in the City's commercial zones. The City has heard at least one argument from a carrier that not allowing any wireless in the ROW in residential zones effectively prohibits service, which could create problems under Federal and State law. The City must be careful not to "effectively prohibit" wireless service by preventing a carrier from closing a "significant gap" in service coverage. The effective prohibition inquiry involves a two-pronged analysis requiring (1) the showing of a 'significant gap' in service coverage and (2) some inquiry into the feasibility of alternative facilities or site locations.

---

## Staff Report

REPORT 19-0015

---

### **Limits of City Authority and Regulatory Setting:**

The City's role in the siting and design of WCFs is generally limited to aesthetics. Essentially, the Federal Telecommunications Act is intended to ensure that the public has sufficient access to telecommunication services. Based on this Federal law, a local government shall not prohibit or have the effect of prohibiting the provision of personal wireless services. Further, no State or local government may regulate cell tower placement based on "the environmental (health) effects of radio frequency emissions to the extent that such facilities comply with the Commission's regulations concerning such emissions." A zoning authority's consideration of health effects, including potential effects on property values due to potential radio frequency emissions, may not serve as "substantial evidence" for purposes of denying a WCF.

As utilities, telephone companies, which include wireless telecommunications providers, may use the ROW to deploy facilities under their State franchise conferred in California Public Utilities Code Section 7901. That right does have some limitations. Specifically, Section 7901 provides that such use must be "in such manner and at such points as not to incommode the public use of the road..." The phrase "incommode the public use" in Section 7901 means "to unreasonably subject the public use to inconvenience or discomfort; to unreasonably trouble, annoy, molest, embarrass, inconvenience; to unreasonably hinder, impede, or obstruct the public use." "Incommode" is "broad enough 'to be inclusive of concerns related to the appearance of a facility'", and therefore, Section 7901 does not prohibit local governments from conditioning the approval of a particular permanent siting permit on aesthetic concerns.

In addition to Section 7901, Public Utilities Code Section 2902 also protects a local government's right "to supervise and regulate the relationship between a public utility and the general public in matters affecting the health, convenience, and safety of the general public, including matters such as the use and repair of public streets by any public utility, the location of the poles, wires, mains, or conduits of any public utility, on, under, or above any public streets...within the limits of the municipal corporation." This provision is a further basis for a local government to restrict the location of proposed facilities due to public safety reasons or other local concerns or even deny applications in appropriate circumstances.

Further, a local government has the right under Section 7901.1 "to exercise reasonable control as to the time, place, and manner in which roads...are accessed [by telephone companies]." The "time, place and manner" of temporary access refers to "when, where, and how telecommunications service providers gain entry to the public rights-of-way." This includes a requirement for obtaining encroachment permits. There are other tangential constraints on local regulation from State and Federal law. At the State level, the CPUC may have authority to invoke the statewide interest in telecommunications services to take action to preempt a local ordinances for particular telecommunications projects.

### **Recent FCC Orders:**

In addition, recent changes in Federal law place shortened time frames and other requirements on local review of wireless facility installations in the ROW. Under a Federal Communications Commission ("FCC") declaratory order and regulations<sup>1</sup> that are expected to go into effect on January 14, 2019, if a city does not render a decision on a small wireless facility application within a specified time period (60 days for installations on existing structures, and 90 days for new structures), the

---

## Staff Report

REPORT 19-0015

---

failure to meet the deadline for action will be presumed to violate federal law (both a failure to act within a reasonable period of time and an effective prohibition of wireless services). On aesthetics and undergrounding, the FCC declares that such requirements will not be preempted if they are reasonable, no more burdensome than those applied to other types of infrastructure deployments, and objective and published in advance. Further, another FCC order that was released in August prohibits cities from imposing a moratorium on wireless installations, which means that there can be no pause in accepting or processing applications to allow a city to study and address potential issues.<sup>2</sup>

While the legal validity of both of these FCC orders is being litigated, the effectiveness of the orders has not been stayed pending the resolution of the litigation.<sup>3</sup> Staff therefore is taking steps discussed in this report to address wireless deployments in the ROW consistent with the new Federal regulations, and among them, recommends Council adopt an ordinance setting out the permitting procedures for these facilities in the ROW. Should the City Council approve the proposed ordinance, staff will bring back the Master License Agreement for use of City-owned infrastructure in the ROW and fee resolutions at a future meeting. Additionally, staff has prepared draft design standards that will provide the industry direction on the City's aesthetic, location and design requirements. This draft document is provided as an attachment to this report and once approved by the Council, will be published by mid-January, as required by the FCC order.

### **Discussion:**

#### **Summary of Proposed Ordinance:**

The ordinance would add a new Chapter 12.18 to the Municipal Code, Wireless Facilities in the Public Right of Way. For all wireless facility installations in the ROW, the ordinance provides, among other regulations, the permit and review procedures as well as the operation and maintenance standards. The ordinance treats wireless installations in the ROW similar to other installations in the ROW by requiring an encroachment permit. Specifically, the ordinance sets additional standards and requirements for obtaining an encroachment permit to install wireless facilities. The ordinance balances the community's need for wireless services, the industry's need to deploy quickly, and the City's obligation to maintain safety and protect the aesthetic qualities of our neighborhoods. Finally, the ordinance allows for necessary adaptability, by allowing the Director to publish administrative regulations to help implement the ordinance. Once the encroachment permit is issued, the carrier may still need to obtain traffic control plans, construction permits and if necessary, a license to attach to City infrastructure.

---

<sup>1</sup> See *In re Accelerating Wireless Broadband Deployment by Removing Barriers to Infrastructure Investment*, Federal Communications Commission, FCC 18-133, WT Docket 17-79, WC Docket 17-84 (rel. Sept. 27, 2018).

<sup>2</sup> See *In re Accelerating Wireline Broadband Deployment by Removing Barriers to Infrastructure Investment*, FCC 18-111, WC Docket 17-84, WT Docket 17-79 (rel. Aug. 3, 2018).

<sup>3</sup> Local governments and associations filed a petition to the FCC to stay the effectiveness of the FCC order pending resolution of the appeals. As of the time of writing, the FCC had not acted on the petition.

---

## Staff Report

REPORT 19-0015

---

Under the ordinance, wireless encroachment permits are approved by the Public Works Director and may be appealed to a hearing officer. Given the short time that the City has to act on these applications under Federal law, having two days to process appeals, staff recommends that the appeals be heard by an independent hearing officer, who can hold hearings on short notice within the short time frame. Doing so also provides an independent level of oversight over the decisions before they become final and subject to challenge in court.

The ordinance contains a comprehensive list of permit conditions that will apply to wireless encroachment permits, including insurance requirements, indemnity, performance bond for removal upon abandonment, and maintenance and inspection requirements. The permits are in effect for a term of 10 years, which stems from a State law that allows the City to limit the permits to 10 years; compared to utility poles, for example, which are erected in perpetuity.

During the November 28, 2017 City Council meeting, the Council agreed that the siting of WCFs within Open Space zones should be avoided due to their more intrusive height and bulk, use of ground space for support equipment and higher power output. Small cell sites in the ROW were favorable due to their less intrusive scale, lower output and distribution throughout the City. The ordinance responds to that direction and only covers small wireless facilities in the ROW.

The Council also stressed the importance of public awareness and involvement for WCFs. The ordinance also requires applicants to provide mailed notices to owners, occupants and multi-family building property managers within 300 feet of the proposed facility before they are approved.

### **Design Standards:**

The ordinance provides that design and development standards will be established separately. Given how fast this technology is changing, staff recommends having these standards be adopted by separate resolution and not placing them in the Municipal Code. Given the frequent and often important changes to the law and technology of wireless installations, especially the pending litigation surrounding the FCC Order, administrative design standards affords the City the flexibility to readily adapt and tailor its regulations to these changes and the concerns of the City. Many cities follow this format. The draft Design Standards are attached to this report for City Council approval. The FCC order also requires that cities have design standards published by mid-January. The intent of these design standards is to establish objective camouflage and concealment elements for small wireless facilities in the ROW. The Public Works Director may waive or impose additional standards if doing so is conducive to site being the least intrusive, maximally blending with the natural and built environment of the City, and protecting the aesthetic character of the City, or if a standard creates a prohibition on service.

Siting these facilities is a difficult task for the carriers, as they try to meet the City's goals while providing the coverage they need to serve their customers. The design standards require a pre-application meeting during which City staff can discuss the proposal with the carrier and confirm whether the proposal meets the standards. This also provides the carriers an opportunity to discuss location with staff and attempt to site the facilities in a way that best meets the City's aesthetic and safety goals. The standards also try to balance the unique land use characteristics in Hermosa Beach. For example, staff proposes that in the City's narrow alleys adjacent to residential properties, the facilities be placed above roof lines, to avoid facilities next to residential windows and decks. On

---

## Staff Report

REPORT 19-0015

---

walk streets, staff proposes that the facilities be located lower to avoid a major disruption in the aesthetics and views. Wireless facilities are generally required to be as small, short and unobtrusive as possible. The tradeoff of having smaller and shorter facilities is that it may result in more facilities in the ROW to achieve the coverage demands that the carriers desire. Staff believes that with required concealment elements this is an appropriate tradeoff. Staff also recommends that when there is a choice in location, carriers should choose to site on a pole or street light that is between structures and not immediately adjacent to a structure. The proposed standards include that WCFs be prohibited on The Strand and Pier Plaza, and that lighting be prohibited unless required by the Federal Aviation Administration. Staff recommends that the City Council adopt the design standards with the Ordinance.

### **Update on AT&T's Proposal:**

Two WCFs located in narrow residential alleys at 29th Court and 20th Court have been the subject of longstanding complaints and concerns of nearby residents due to the proximity of these antennas next to and viewable from private homes. Federal law prevents the City from making regulatory decisions based on concerns from the residents of alleged health impacts from these facilities. Nevertheless, the City has been working closely and collaboratively with AT&T since July 2014 to find relocation sites.

For comprehensive background information on these two specific facilities, please refer to the attachment section which includes links to previous City Council and Planning Commission reports.

Relocation options for both sites have been limited based on topography of the area and the City's wireless regulations that currently prohibit wireless in the residential zones and in the ROW. Since November of 2017, AT&T has been working on preparing applications for a series of small cell sites in the ROW to provide replacement coverage for the removal and replacement of the existing 20th and 29th Court facilities and to address its growing coverage needs. AT&T expects to submit its applications shortly after ordinance adoption, but will need an ordinance to reference to ensure that their applications are complete prior to submittal. AT&T intends to submit applications for 16 sites. Twelve sites are required to provide replacement coverage for the 29th and 20th Court facilities and 4 additional sites to fill remaining gaps in coverage, which currently exist.

### **Next Steps:**

Once the details of the ordinance are approved by the City Council, staff will bring to City Council a proposed Master License Agreement (MLA) for use of City infrastructure in the ROW and a fee resolution for any fees associated with these applications. Given the short timing to approve these applications, the MLA would be a template that once approved by the Council, could be issued by the Public Works Director with the wireless encroachment permit. Any material changes to the template would need to be approved by the Council and would not be approved at the Director level. In addition to the ordinance, design standards resolution, MLA and fee resolution, City staff is developing a standard application for wireless facility installations in the ROW, all of which together will serve as the City's framework for addressing applications for wireless facility installations in the ROW. As envisioned under Federal and State law, the framework promotes swift processing of simple and routine attachments of small wireless facilities in the ROW. Adoption of the proposed framework will help the City meet the strict requirements of Federal law with the necessary flexibility to adapt as the law and the technology changes.

---

## Staff Report

REPORT 19-0015

---

### **General Plan Consistency:**

This report and associated recommendations have been evaluated for their consistency with the City's General Plan. Chapter 7 of the City's General Plan Infrastructure element states that telecommunication systems support advanced and innovative communication methods between residents, businesses, visitors, and the City. Telecommunications infrastructure and services are critical to businesses for economic growth and job creation. Residents rely on telecommunications for quality of life, education, research, and access to health care and government services.

Telecommunications services in Hermosa Beach include cable television, high speed Internet, and wireless and ground-line telephone services. A variety of private companies provides these services and have infrastructure located throughout the City to provide consistent and reliable telecommunication services to the community. In August 2015, Hermosa Beach had a total of 5 mobile providers.

The ordinance is consistent with General Plan Infrastructure Goal 1 which aims to ensure infrastructure systems are functional, safe, and well maintained through implementing the following policies:

### **Infrastructure, Goal 1 Policies**

- **1.1 Infrastructure systems plan.** Establish and adopt an integrated, holistic systems approach to guide infrastructure development, improvement, maintenance, and resilience.
- **1.3 Right-of-way coordination.** Ensure infrastructure maintenance and repair projects within the public right-of-way are coordinated with utilities and agencies to minimize additional roadway repaving or accelerated deterioration.
- **1.4 Fair share assessments.** Require new development and redevelopment projects to pay their fair share of the cost of infrastructure improvements needed to serve the project, and ensure that needed infrastructure is available prior to or at the time of project completion.
- **1.5 New technologies.** When feasible, utilize emerging technologies and funding strategies that improve infrastructure efficiency, sustainability, and resiliency.
- **1.6 Utility Infrastructure Siting.** Ensure new infrastructure is sited in a manner to minimize negative impacts to the community and prioritize projects to address the greatest deficiencies.
- **1.7 Aesthetic and urban form.** Require infrastructure and infrastructure improvements that are aesthetically pleasing and consistent with the scenic character of the surrounding area.

The Ordinance is also consistent with General Plan Infrastructure Goal 7 which aims to ensure a reliable and efficient telecommunications network is available to every resident, business, and institution through implementing the following policies:

### **Infrastructure, Goal 7 Policies**

- **7.1 Accommodate future technologies.** Encourage telecommunications providers and building developments to size infrastructure and facilities to accommodate future expansion and changes in the need for technology.



---

## Staff Report

REPORT 19-0015

---

- **7.2 Appropriate siting of telecommunications infrastructure.** Design and site all facilities to minimize their visibility, prevent visual clutter, and reduce conflicts with surrounding land uses while recognizing that the entire community can have access to communication infrastructure.
- **7.3 Co-location of facilities.** Encourage telecommunications facilities located adjacent to, on, or incorporated into existing or proposed buildings, towers, or other structures.
- **7.4 Emergency services technology.** Prioritize telecommunications services used for the safety and well-being of the community.
- **7.5 Access for all.** Encourage the installation and availability of facilities that provide free telecommunication access at key activity and business centers throughout the community.

### **Environmental Analysis:**

The 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. Most of the terms and scope of city discretion are guided by existing State and Federal law. The ordinance creates an administrative process to process requests for wireless facilities in the ROW and the City’s discretion with these applications is limited. The ordinance does not authorize any specific development or installation on any specific piece of property within the City’s boundaries, most of which will be placed on existing infrastructure. 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 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)). The ordinance creates an administrative procedure for wireless carriers to apply to place facilities in the ROW, often on existing infrastructure. 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), as these facilities are allowed under Federal and State law, are by their nature smaller when placed in the ROW and subject to various siting and design preferences to prevent aesthetic impact to the extent feasible. The design guidelines are required under Federal law and describe the design preferences and location priorities that the City desires. The guidelines are aesthetic in nature and help to conceal and make these facilities more compatible. They do not result in changes to the physical environment, as the authority to place these facilities in the ROW is governed by State and Federal law.

### **Fiscal Impact:**

No fiscal impacts are associated with the ordinance. However, installation of wireless facilities would be subject to fees and yield potential lease revenue. Staff will bring to City Council a proposed Master License Agreement for use of City infrastructure in the ROW and a fee resolution for any fees associated with these applications at a later date.

### **Summary:**

---

## Staff Report

REPORT 19-0015

---

Much of Hermosa Beach is zoned for residential use, where WCFs are prohibited, leaving fewer options for carriers to locate. Allowing and regulating WCFs in the ROW, subject to reasonable time, place and manner restrictions, will strike the balance between allowing carriers to improve their service in a manner that is less intrusive on the community, while balancing the wireless providers' and their customers' rights for coverage while taking into account Hermosa's unique characteristics.

Many carriers are considering smaller wireless facilities in the ROW in lieu of large macro facilities, which tend to generate significant public opposition. These facilities are small, unobtrusive and are often attached to light poles and utility poles. Other carriers and neutral hosts are currently waiting on adoption of an ordinance which allows and regulates wireless telecommunication facilities within the ROW.

### Attachments:

1. Draft Ordinance (Exhibit A)
2. Draft Design Standards (Exhibit B)
3. Photos of sample wireless facility designs - prohibited and allowed
4. Link to November 28, 2017, City Council staff report and attachments (Page 8 of Agenda, Municipal Matters Item c)
5. Link to January 26, 2016, City Council staff report and attachments (Page 11 of Agenda, Municipal Matters Item d)
6. Link to October 20, 2015, Planning Commission staff report and attachments (Section II Public Hearing Item 6)
7. Link to July 21, 2015, Planning Commission staff report and attachments (Section II Public Hearing Item 6)
8. Link to January 27, 2015, City Council staff report

**Respectfully Submitted by:** Lauren Langer, Assistant City Attorney  
Nicole Ellis, Associate Planner  
Kim Chafin, Planning Manager

**Concur:** Ken Robertson, Community Development Director

**Concur:** Glen W.C. Kau, P.E., Director of Public Works/ City Engineer

**Legal Review:** Lauren Langer, Assistant City Attorney

**Approved:** Suja Lowenthal, City Manager

## ORDINANCE NO. [ ]

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HERMOSA BEACH TO AMEND THE MUNICIPAL CODE, TITLE 12, TO ADD CHAPTER 12.18, “WIRELESS FACILITIES IN PUBLIC RIGHTS OF WAY” TO REGULATE WIRELESS FACILITIES IN THE PUBLIC RIGHT OF WAY.**

**THE CITY COUNCIL OF THE CITY OF HERMOSA BEACH DOES HEREBY ORDAIN AS FOLLOWS:**

**SECTION 1.** A new Chapter 12.18 of Title 12 of the Hermosa Beach Municipal Code is hereby added to regulate wireless facilities in the public right of way (ROW) to read as follows:

### **CHAPTER 12.18 WIRELESS FACILITIES IN PUBLIC RIGHTS OF WAY**

#### **Section 12.18.010 Applicability.**

The siting and construction of wireless facilities in the ROW are subject to the provisions of this Chapter 12.18. The siting and construction of wireless facilities on all other property are subject to the provisions in Title 17 of this code (the Zoning Ordinance).

#### **Section 12.18.020 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 ROW of the City consistent with the City’s obligation to promote the public health, safety, and welfare, to manage the ROW, and to ensure that the use and enjoyment of the ROW is not inconvenienced by the use of the ROW 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 ROW. This Ordinance shall be interpreted consistent with those provisions.

**Section 12.18.030 Definitions.** The terms used in this Chapter shall have the following meanings. In the event of any conflict between these definitions and applicable definitions in Federal law, the applicable provisions of Federal law shall control over these definitions.

**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** means a person filing an application for placement or modification of a wireless facility in the ROW.

**Base Station** shall have the meaning as set forth in Title 47 Code of Federal Regulations (C.F.R.) Section 1.40001(b)(1), or any successor provision.

**Director** means the City's Director of Public Works or designee.

**Eligible Facilities Request** shall have the meaning as set forth in Title 47 C.F.R. Section 1.40001(b)(3), or any successor provision.

**FCC:** means the Federal Communications Commission or its lawful successor.

**Hearing Officer** means a person designated by the City Council to conduct hearings.

**Municipal Infrastructure** means 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, bus stops or other poles, lighting fixtures, or electroliers located within the ROW.

**Permittee** means 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 United States Code Section 332(c)(7)(C)(i).

**Personal Wireless Services Facility** means a wireless facility used for the provision of personal wireless services.

**Public Right of Way (ROW)** means any public street, alley, sidewalk, street island, median or parkway that is owned or granted by easement, operated, or controlled by the City.

**Small Cell Facility:** means (and is intended to be consistent with and declaratory of the definition of "small wireless facility" in Title 47 C.F.R. 1.6002(l), or any successor provision), a personal wireless services facility that meets any of the following conditions:

1) The facility—

(i) is mounted on an existing or proposed structure 50 feet or less in height, including antennas, as defined in Title 47 C.F.R. Section 1.1320(d), or

(ii) is mounted on an existing or proposed structure no more than 10 percent taller than other adjacent structures, or

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

2) Each antenna associated with the deployment, excluding associated antenna equipment (as defined in the definition of antenna in Title 47 C.F.R. Section 1.1320(d)), is no more than three cubic feet in volume;

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

- 4) The facility does not require antenna structure registration under Title 47 C.F.R. Part 17;
- 5) The facility is not located on Tribal lands, as defined under Title 36 C.F.R. Section 800.16(x); and
- 6) The facility does not result in human exposure to radiofrequency radiation in excess of the applicable safety standards specified in Title 47 C.F.R. Section 1.1307(b).

**Structure:** means an apparatus located in the ROW which is in any way attached to, constructed on, or built into the ground, either directly or indirectly. This term includes, without limitation, street lights, traffic signals, and utility poles, but it does not include towers.

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

**Tower:** Any apparatus built for the sole or primary purpose of supporting any FCC-licensed or authorized antennas and their associated facilities, including those 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.

**Underground areas:** Those areas where there are no electrical facilities or facilities of the incumbent local exchange carrier in the ROW; 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 Service Provider:** An entity that provides personal wireless services to end users.

**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 by the City Council or Director implementing the provisions of this Chapter.

**Section 12.18.040 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 Chapter 12.16 in addition to all of the requirements of this Chapter. Unless exempted, every person who desires to place a wireless facility in the ROW or modify an existing wireless facility in the ROW 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 ROW by State or Federal law, no other wireless facilities shall be permitted pursuant to this Chapter.
- b) **Exemptions.** This Chapter does not apply to:
  - 1) The placement or modification of facilities by the City or by any other agency of the State solely for public safety purposes.
  - 2) Installation of a "cell on wheels," "cell on truck" or a similar structure for a temporary period in connection with an emergency or event, but no longer than required for the emergency or event, provided that installation does not involve excavation, movement, or removal of existing facilities.
- c) **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, applicable law governing radio frequency (RF) emissions and all requirements for encroachments under HBMC Chapter 12.16.
- d) **Pre-existing Facilities in the ROW.** Nothing in this Chapter shall validate any existing illegal or unpermitted wireless facilities. All existing wireless facilities shall comply with and receive a wireless encroachment permit, when applicable, to be considered legal and conforming.
- e) **Public use.** Except as otherwise provided by California law, any use of the ROW authorized pursuant to this Chapter will be subordinate to the City’s use and use by the public.

**Section 12.18.050 Administration.**

- a) **Review Authority.** The Director is responsible for administering this Chapter. As part of the administration of this Chapter, the Director may:
  - 1) Interpret the provisions of this Chapter;
  - 2) 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;

- 3) Develop and implement acceptable design, location and development standards for wireless facilities in the ROW, taking into account the zoning districts bounding the ROW;
  - 4) Develop forms and procedures for submission of applications for placement or modification of wireless facilities, and proposed changes to any support structure consistent with this Chapter;
  - 5) Collect, as a condition of the completeness of any application, any fee established by this Chapter;
  - 6) Establish deadlines for submission of information related to an application, and extend or shorten deadlines where appropriate and consistent with Federal laws and regulations;
  - 7) Issue any notices of incompleteness, requests for information, or conduct or commission such studies as may be required to determine whether a permit should be issued;
  - 8) Require, as part of, and as a condition of completeness of any application, that an applicant for a wireless encroachment permit send notice to members of the public that may be affected by the placement or modification of the wireless facility and proposed changes to any support structure;
  - 9) Subject to appeal as provided herein, determine whether to approve, approve subject to conditions, or deny an application; and
  - 10) Take such other steps as may be required to timely act upon applications for placement of wireless facilities, including issuing written decisions and entering into agreements to mutually extend the time for action on an application.
- b) **Appeal.**
- 1) Any person claiming to be adversely affected by the decision of the Director pursuant to this Chapter may appeal the Director's decision. The appeal will be considered by a Hearing Officer appointed by the City Manager. The Hearing Officer 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 wireless facility. As Section 332(c)(7) of the Telecommunications Act preempts local decisions premised directly or indirectly on the environmental effects of radio frequency (RF) emissions, appeals of the Director's decision premised on the environmental effects of radio frequency emissions will not be considered.
  - 2) 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. All appeals must be filed within two (2) business 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.
  - 3) Any appeal shall be conducted so that a timely written decision may be issued in accordance with applicable law. The appeal shall be conducted in accordance with any procedures adopted in the Wireless Regulations.

**Section 12.18.060     General Standards for Wireless Facilities in the Public Right 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) **Regulations.** The wireless regulations and decisions on applications for placement of wireless facilities in the ROW shall, at a minimum, ensure that the requirements of this section are satisfied, unless it is determined that the applicant has established that denial of an application would, within the meaning of Federal law, prohibit or effectively prohibit the provision of personal wireless services, or otherwise violate applicable laws or regulations. If that determination is made, the requirements of this Chapter may be waived, but only to the minimum extent required to avoid the prohibition or violation.
- c) **Minimum Standards.** Wireless facilities shall be installed and modified in a manner that minimizes risks to public safety, utilizes installation of new support structures or equipment cabinets in the ROW only after all existing and replacement structure options have been exhausted, and where feasible, places equipment underground, and otherwise maintains the integrity and character of the neighborhoods and corridors in which the facilities are located; ensures that installations are subject to periodic review to minimize the intrusion on the ROW; 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 ROW, or hinder the ability of the City or other government agencies to improve, modify, relocate, abandon, or vacate the ROW or any portion thereof, or to cause the improvement, modification, relocation, vacation, or abandonment of facilities in the ROW.
- d) **Location and Design Standards.** All applicants shall locate the facilities in accordance with the Design Standards and Wireless Regulations. All applicants shall, to the extent feasible, incorporate specific concealment elements to minimize visual impacts and incorporate design requirements in accordance with the Design Standards adopted by resolution of the City Council and Wireless Regulations and ensure compliance with all standards for noise emissions, unless it is determined that another design is less intrusive or placement is required under applicable law.

**Section 12.18.070 Applications.**

- a) **Submission.** Unless the Wireless Regulations provide otherwise, the 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 the Director.
- b) **Content.** An application must contain:
  - 1) Any information required pursuant to the Wireless Regulations;
  - 2) The name of the applicant, its telephone number and contact information, and if the applicant is a wireless infrastructure provider, the name and contact information for the wireless service provider that will be using the wireless facility;
  - 3) The name of the owner of the structure, if different from the applicant, and a signed and notarized owner's authorization for use of the structure.
  - 4) A complete description of the proposed wireless facility and any and all work that will be required to install or modify it, including, but not limited to, detail regarding proposed excavations, if any; detailed site plans showing the location of the



wireless facility, and dimensioned drawings with specifications for each element of the wireless facility, clearly describing the site and all structures and facilities at the site before and after installation or modification; and a dimensioned map identifying and describing the distance to the nearest residential dwelling unit and any historical structure within 500 feet of the facility. Before and after 360 degree photo simulations must be provided.

- 5) Documentation sufficient to show that the proposed facility will comply with generally-applicable health and safety provisions of the Municipal Code and the FCC's radio frequency emissions standards.
  - 6) A copy of the lease or other agreement between the applicant and the owner of the property to which the proposed facility will be attached.
  - 7) If the application is for a small cell facility, the application shall state as such and shall explain why the proposed facility meets the definition of small cell facility in this Chapter.
  - 8) If the application is for an eligible facilities request, the application shall state as such and must contain information sufficient to show that the application qualifies as an eligible facilities request, which information must show that there is an existing wireless facility that was approved by the City. Before and after 360 degree photo simulations must be provided, as well as documentation sufficient to show that the proposed facility will comply with generally-applicable health and safety provisions of the Municipal Code and the FCC's radio frequency emissions standards.
  - 9) Proof that notice of the application has been mailed to owners and occupants of real property, and the resident manager for any multi-family dwelling unit that includes ten (10) or more units, within 300 feet of the proposed wireless facility.
  - 10) If the applicant contends that denial of the application would prohibit or effectively prohibit the provision of service in violation of Federal law, or otherwise violate applicable law, the application must provide all information on which the applicant relies on in support of that claim. Applicants are not permitted to supplement this showing if doing so would prevent the City from complying with any deadline for action on an application.
  - 11) The electronic version of an application must be in a standard format that can be easily uploaded on a web page for review by the public.
  - 12) Any required fees.
- c) **Fees.** Application fee(s) shall be required to be submitted with any application for a wireless encroachment permit, as established by City Council 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.
- d) **Waivers.** Requests for waivers from any application requirement of this section shall be made in writing to the Director or his or her designee. The Director may grant or deny a request for a waiver pursuant to this subsection. The Director may grant a request for waiver if it is demonstrated that, notwithstanding the issuance of a waiver, the City will be provided all information necessary to understand the nature of the construction or other activity to be conducted pursuant to the permit sought. All waivers approved pursuant to this subsection shall be (1) granted only on a case-by-case basis, and (2) narrowly-tailored to minimize deviation from the requirements of the Municipal Code.

e) **Rejection for Incompleteness.** Wireless facility applications will be processed, and notices of incompleteness provided, in conformity with State, local, and Federal law. If such an application is incomplete, it may be rejected by the Director by notifying the applicant and specifying the material omitted from the application.

**Section 12.18.080 Findings; Decisions; Consultants.**

a) **Findings Required for Approval.**

- 1) 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, all of the following findings can be made:
  - (i) The facility is not detrimental to the public health, safety, and welfare; and
  - (ii) The facility complies with this Chapter and all applicable design and development standards; and
  - (iii) The facility qualifies as a small cell facility; and
  - (iv) The facility meets applicable requirements and standards of State and Federal law.
- 2) 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.

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

c) **Independent Consultants.** The Director or Hearing Officer, as the case may be, is authorized, in its discretion, to select and retain independent consultant(s) with expertise in telecommunications in connection with the review of any application under this Chapter, at the expense of the applicant. Such independent 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 12.18.090 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 granted pursuant to this Chapter shall be subject to the following conditions, unless modified by the approving authority:
- 1) *Code Compliance.* The Permittee shall at all times maintain compliance with all applicable Federal, State and local laws, regulations and other rules, including, without limitation, those applying to use of the ROW.
  - 2) *Permit Duration.* A wireless encroachment permit shall be valid for a period of ten (10) years, unless pursuant to another provision of the Code or these conditions, it expires sooner or is terminated. At the end of ten (10) years from the date of issuance, such Permit shall automatically expire, unless an extension or renewal has been granted. A person holding a wireless encroachment permit must either (1) remove the

facility within thirty (30) days following the permit's expiration (provided that removal of support structure owned by City, a utility, or another entity authorized to maintain a support structure in the ROW need not be removed, but must be restored to its prior condition, except as specifically permitted by the City); or (2) at least ninety (90) days prior to expiration, submit an application to the Director to renew the permit, which application must, among all other requirements, demonstrate that the impact of the wireless facility cannot be reduced. The wireless facility must remain in place until it is acted upon by the City and all appeals from the City's decision exhausted.

- 3) *Timing of Installation.* The installation and construction authorized by a wireless encroachment permit shall begin within one (1) year after its approval, or it will expire without further action by the City. The installation and construction authorized by a wireless encroachment permit shall conclude, including any necessary post-installation repairs and/or restoration to the ROW, within thirty (30) days following the day construction commenced.
- 4) *Commencement of Operations.* The operation of the approved facility shall commence no later than ninety (90) days after the completion of installation, or the wireless encroachment permit will expire without further action by the City. The Permittee shall provide Director notice that operations have commenced by the same date.
- 5) *As-Built Drawings.* The Permittee shall submit an as-built drawing within ninety (90) days after installation of the facility. As-builts shall be in an electronic format acceptable to the City.
- 6) *Inspections; Emergencies.* The City or its designee may enter onto the facility area to inspect the facility upon 24 hours prior notice to the Permittee. The Permittee shall cooperate with all inspections and may be present for any inspection of its facility by the City. The City reserves the right to enter or direct its designee to enter the facility and support, repair, disable, or remove any elements of the facility in emergencies or when the facility threatens imminent harm to persons or property. The City shall make an effort to contact the Permittee prior to disabling or removing any facility elements, but in any case shall notify Permittee within 24 hours of doing so.
- 7) *Inspections and Reporting.* The Permittee, when directed by the City, must perform an inspection of the facility and submit a report to the Director on the condition of the system to include any identified concerns and corrective action taken. Additionally, as the City performs maintenance on Municipal Infrastructure additional maintenance concerns may be identified. These will be reported to the owner of the facility. The City shall give the Permittee 30 days to correct the identified maintenance concerns after which the City reserves the right to take any action it deems necessary, which could include revocation of the permit. The burden is on the Permittee to demonstrate that it complies with the requirements herein. Prior to issuance of a permit under this Chapter, the owner of the facility shall sign an affidavit attesting to understanding the City's requirement for performance of annual inspections and reporting.
- 8) *Contact.* The Permittee shall at all times maintain accurate contact information for all parties responsible for the facility, which shall include a phone number, street mailing address and email address for at least one natural person.

- 9) *Insurance.* The Permittee shall obtain and maintain throughout the term of the permit a type and amount of insurance as specific in the Wireless Regulations. The relevant policy(ies) shall name the City, its elected/appointed officials, commission members, officers, representatives, agents, and employees as additional insured. The Permittee shall use its best efforts to provide thirty (30) days prior notice to the Director of to the cancellation or material modification of any applicable insurance policy.
- 10) *Indemnities.* The Permittee and, if applicable, the owner of the property upon which the wireless facility is installed shall defend, indemnify and hold harmless the City, its agents, officers, officials, and employees (i) from any and all damages, liabilities, injuries, losses, costs, and expenses, and from any and all claims, demands, law suits, writs of mandamus, and other actions or proceedings brought against the City or its agents, officers, officials, or employees to challenge, attack, seek to modify, set aside, void or annul the City's approval of the permit, and (ii) from any and all damages, liabilities, injuries, losses, costs, and expenses, and any and all claims, demands, law suits, or causes of action and other actions or proceedings of any kind or form, whether for personal injury, death or property damage, arising out of or in connection with the activities or performance of the Permittee or, if applicable, the private property owner or any of each one's agents, employees, licensees, contractors, subcontractors, or independent contractors. In the event the City becomes aware of any such actions or claims the City shall promptly notify the Permittee and, if applicable, the private property owner and shall reasonably cooperate in the defense. The City shall have the right to approve, which approval shall not be unreasonably withheld, the legal counsel providing the City's defense, and the property owner and/or Permittee (as applicable) shall reimburse the City for any costs and expenses directly and necessarily incurred by the City in the course of the defense.
- 11) *Performance Bond.* Prior to issuance of a wireless encroachment permit, the Permittee shall file with the City, and shall maintain in good standing throughout the term of the approval, a performance bond or other surety or another form of security for the removal of the facility in the event that the use is abandoned or the permit expires, or is revoked, or is otherwise terminated. The security shall be in the amount equal to 100% of the cost of removal of the facility as specified in the application for the permit or as that amount may be modified by the Director in in the permit based on the characteristics of the installation. The Permittee shall reimburse the City for staff time associated with the processing and tracking of the bond, based on the hourly rate adopted by the City Council. Reimbursement shall be paid when the security is posted and during each administrative review.
- 12) *Adverse Impacts on Adjacent Properties.* Permittee shall undertake all reasonable efforts to avoid undue adverse impacts to adjacent properties and/or uses that may arise from the construction, operation, maintenance, modification, and removal of the facility.
- 13) *Interference.*
  - (a) The Permittee shall not move, alter, temporarily relocate, change, or interfere with any existing structure, improvement, or property without the prior consent of the owner of that structure, improvement, or property. No structure, improvement, or property owned by the City shall be moved to accommodate a permitted activity or encroachment, unless the City determines that such

movement will not adversely affect the City or any surrounding businesses or residents, and the Permittee pays all costs and expenses related to the relocation of the City's structure, improvement, or property. Prior to commencement of any work pursuant to a wireless encroachment permit, the Permittee shall provide the City with documentation establishing to the City's satisfaction that the Permittee has the legal right to use or interfere with any other structure, improvement, or property within the ROW or City utility easement to be affected by Permittee's facilities.

- (b) The facility shall not damage or interfere in any way with City property, the City's operations or the operations of prior-existing, third party installations. The City will reasonably cooperate with the Permittee and/or carrier to carry out such activities as are necessary to correct the interference.
  - (i) Signal Interference – The Permittee shall correct any such interference within 24 hours of written notification of the interference. Upon the expiration of the 24-hour cure period and until the cause of the interference is eliminated, the Permittee shall cease operation of any facility causing such interference until such interference is cured.
  - (ii) Physical Interference - The City shall give the Permittee 30 days to correct the interference after which the City reserves the right to take any action it deems necessary, which could include revocation of the permit.
- (c) The City at all times reserves the right to take any action it deems necessary, in its sole discretion, to repair, maintain, alter, or improve the sites. Such actions may temporarily interfere with the operation of the facility. The City will in all cases, other than emergencies, give the applicant 30 days written notification of such planned, non-emergency actions.

14) *No Right, Title, or Interest.* The permission granted by a wireless encroachment permit shall not in any event constitute an easement on or an encumbrance against the ROW. No right, title, or interest (including franchise interest) in the ROW, or any part thereof, shall vest or accrue in Permittee by reason of a wireless encroachment permit or the issuance of any other permit or exercise of any privilege given thereby.

15) *No Possessory Interest.* No possessory interest is created by a wireless encroachment permit. However, to the extent that a possessory interest is deemed created by a governmental entity with taxation authority, the Permittee acknowledges that the City has given to the Permittee notice pursuant to California Revenue and Taxation Code Section 107.6 that the use or occupancy of any public property pursuant to a wireless encroachment permit may create a possessory interest which may be subject to the payment of property taxes levied upon such interest. Permittee shall be solely liable for, and shall pay and discharge prior to delinquency, any and all possessory interact taxes or other taxes, fees, and assessments levied against Permittee's right to possession, occupancy, or use of any public property pursuant to any right of possession, occupancy, or use created by this permit.

16) *General Maintenance.*

- (a) The site and the facility, including, but not limited to, all landscaping, fencing, and related transmission equipment, must be maintained in a neat, safe and clean manner and in accordance with all approved plans. All graffiti on facilities must be removed at the sole expense of the Permittee within forty

eight (48) hours after notification from the City. 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, and general welfare and that the aesthetic appearance is continuously preserved, and substantially the same as shown in the approved plans at all times relevant to the permit.

- (b) The Permittee shall repair, at its sole cost and expense, any damage including, but not limited to subsidence, cracking, erosion, collapse, weakening, or loss of lateral support to City streets, sidewalks, walks, curbs, gutters, trees, parkways, street lights, traffic signals, improvements of any kind or nature, or utility lines and systems, underground utility line and systems (water, sewer, storm drains, gas, oil, electrical, etc.) that result from any activities performed in connection with the installation and/or maintenance of a wireless facility in the ROW. The Permittee shall restore such areas, structures and systems to the condition in which they existed prior to the installation or maintenance that necessitated the repairs. In the event the Permittee fails to complete such repair within the number of days stated on a written notice by the Director the City will engage resources at the Permittee's sole cost and expense to complete such repairs. Such time period for correction shall be based on the facts and circumstances, danger to the community and severity of the disrepair. Should the Permittee not make said correction within the time period allotted the Director shall cause such repair to be completed at Permittee's sole cost and expense.
  - (c) The Permittee shall keep the site area free from all litter and debris at all times. Each year after the Permittee installs the wireless facility, the Permittee, if requested by the Director, shall submit a written report to the satisfaction of the Director, documenting the then-current site condition.
- 17) *RF Exposure Compliance.* All facilities must comply with all standards and regulations of the FCC and any other State or Federal government agency with the authority to regulate RF exposure standards. After transmitter and antenna system optimization, but prior to unattended operations of the facility, the Permittee or its representative must conduct on-site post-installation RF emissions testing to demonstrate actual compliance with the FCC Office of Engineering and Technology Bulletin 65 RF emissions safety rules for general population/uncontrolled RF exposure in all sectors. For this testing, the transmitter shall be operating at maximum operating power, and the testing shall occur outwards to a distance where the RF emissions no longer exceed the uncontrolled/general population limit.
- 18) *Testing.* Testing of any equipment shall take place on weekdays only, and only between the hours of 8:30 a.m. and 4:30 p.m., except that testing is prohibited on holidays that fall on a weekday. In addition, testing is prohibited on weekend days.
- 19) *Modifications.* No changes shall be made to the approved plans without review and approval in accordance with this Chapter.
- 20) *Agreement with City.* If not already completed, the Permittee shall enter into the appropriate agreement with the City, as determined by the City, prior to constructing, attaching, or operating a facility on Municipal Infrastructure. This permit is not a substitute for such agreement.

- 21) *Conflicts with Improvements.* For all facilities located within the ROW, the Permittee shall remove or relocate, at its expense and without expense to the City, any or all of its facilities when such removal or relocation is deemed necessary by the City by reason of any change of grade, alignment, or width of any ROW, for installation of services, water pipes, drains, storm drains, power or signal lines, traffic control devices, ROW improvements, or for any other construction, repair, or improvement to the ROW.
- 22) *Abandonment.* If a facility is not operated for a continuous period of 6 months, the wireless encroachment permit and any other permit or approval therefor shall be deemed abandoned and terminated automatically, unless before the end of the 6 month period (i) the Director has determined that the facility has resumed operations, or (ii) the City has received an application to transfer the permit to another service provider. No later than thirty (30) days from the date the facility is determined to have ceased operation or the Permittee has notified the Director of its intent to vacate the site, the Permittee shall remove all equipment and improvements associated with the use and shall restore the site to its original condition to the satisfaction of the Director. The Permittee shall provide written verification of the removal of the facilities within thirty (30) days of the date the removal is completed. If the facility is not removed within thirty (30) days after the permit has been discontinued pursuant to this subsection, the site shall be deemed to be a nuisance, and the City may cause the facility to be removed at Permittee's expense or by calling any bond or other financial assurance to pay for removal. If there are two (2) or more users of a single facility or support structure, then this provision shall apply to the specific elements or parts thereof that were abandoned, but will not be effective for the entirety thereof until all users cease use thereof.
- 23) *Encourage Co-location.* Where the facility site is capable of accommodating a co-located facility upon the same site in a manner consistent with the permit conditions for the existing facility, the owner and operator of the existing facility shall allow co-location of third party facilities, provided the parties can mutually agree upon reasonable terms and conditions.
- 24) *Records.* The Permittee must maintain complete and accurate copies of all permits and other regulatory approvals issued in connection with the facility, which includes without limitation this approval, the approved plans and photo simulations incorporated into this approval, all conditions associated with this approval and any ministerial permits or approvals issued in connection with this approval. In the event that the Permittee does not maintain such records as required in this condition or fails to produce true and complete copies of such records within a reasonable time after a written request from the City, any ambiguities or uncertainties that would be resolved through an inspection of the missing records will be construed against the Permittee.
- 25) *Attorney's Fees.* In the event the City determines that it is necessary to take legal action to enforce any of these conditions, or to revoke a permit, and such legal action is taken, the Permittee shall be required to pay any and all costs of such legal action, including reasonable attorney's fees, incurred by the City, even if the matter is not prosecuted to a final judgment or is amicably resolved, unless the City should otherwise agree with Permittee to waive said fees or any part thereof. The foregoing shall not apply if the Permittee prevails in the enforcement proceeding.

- 26) The Permittee is responsible for obtaining power to the facility and for the cost of electrical usage,
- 27) Failure to comply with the City's adopted noise standard after written notice and opportunity to cure have been given shall be grounds for the City to revoke the permit.

b) **Eligible Facilities Requests.** In addition to the conditions provided in Section 12.18.090 of this Chapter and any supplemental conditions imposed by the Director or Hearing Officer as the case may be, all permits for an eligible facility requests granted pursuant to this Chapter shall be subject to the following additional conditions, unless modified by the approving authority:

- 1) *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.
- 2) *No permit term extension.* The City's grant or grant by operation of law of an eligible facilities request permit constitutes a federally-mandated modification to the underlying permit or approval for the subject tower or base station. Notwithstanding any permit duration established in another permit condition, the City's grant or grant by operation of law of a eligible facilities request permit will not extend the permit term for the underlying permit or any other underlying regulatory approval, and its term shall have the same term as the underlying permit or other regulatory approval for the subject tower or base station.
- 3) *No waiver of standing.* The City's grant or grant by operation of law of an eligible facilities request does not waive, and shall not be construed to waive, any standing by the City to challenge Section 6409(a) of the Spectrum Act, any FCC rules that interpret Section 6409(a) of the Spectrum Act, or any modification to Section 6409(a) of the Spectrum Act.

c) **Small Cell Facilities Requests.** In addition to the conditions provided in 12.18.090 of this Chapter and any supplemental conditions imposed by the Director or Hearing Officer, as the case may be, all permits for a small cell facility granted pursuant to this Chapter shall be subject to the following condition, unless modified by the approving authority:

- 1) *No waiver of standing.* The City's grant of a permit for a small cell facility request does not waive, and shall not be construed to waive, any standing by the City to challenge any FCC orders or rules related to small cell facilities, or any modification to those FCC orders or rules.

#### **Section 12.18.100 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 within thirty (30) days; provided that removal of a support structure owned by City, a utility, or another entity authorized to maintain a support structure in the ROW 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.** A wireless facility installed without a wireless encroachment permit (except for those exempted by this Chapter) must be removed within thirty (30) days of notification by the City; provided that removal of support structure owned by City, a utility, or another entity authorized to maintain a support structure in the ROW 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) **Violation.** Any violation of this Chapter will be subject to the same penalties as a violation of Chapter 12.16.

**Section 12.18.110 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 12.18.120 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 ROW 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 ROW.

**SECTION 2:** The Director or his or her designee, is directed to execute all documents and to perform all other necessary City acts to implement the effect this Ordinance, including the promulgation of regulations to implement this Ordinance.

**SECTION 3: 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. Most of the terms and scope of City discretion are guided by existing State and Federal law. This Ordinance creates an administrative process to process requests for wireless facilities in the ROW and the City's discretion with these applications is limited. The Ordinance does not authorize any specific development or installation on any specific piece of property within the City's boundaries, most of which will be placed on existing infrastructure. 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)). This Ordinance creates an administrative procedure for wireless carriers to apply to place facilities in the ROW, often on existing infrastructure. 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), as these facilities are allowed under Federal and State law, are by their nature smaller when placed in the ROW and subject to various siting and design preferences to prevent aesthetic impact to the extent feasible.

**SECTION 4:** Effective Date. This Ordinance shall become effective and be in full force and effect from and after thirty (30) days of its passage and adoption.

**SECTION 5:** The City Council designates the City Attorney to prepare a summary of this ordinance to be published pursuant to Government Code Section 36933(c)(1) in-lieu of the full text of the ordinance. The City Clerk caused said summary to be published on \_\_\_\_\_ [five (5) days before the adoption of the ordinance] in the Easy Reader, a weekly adjudicated newspaper of general circulation, published and circulated in Hermosa Beach. Prior to the expiration of fifteen (15) days after the date of adoption of this ordinance, the City Clerk shall cause the summary to be re-published in the Easy Reader.

**SECTION 6:** The City Clerk shall certify to the passage and adoption of this Ordinance, shall enter the same in the book of original ordinances of said City; shall make minutes of the passage and adoption thereof in the records of the proceedings of the City Council at which the same is passed and adopted.

**PASSED, APPROVED and ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_, 2019, by the following vote:

- AYES:
- NOES:
- ABSENT:
- ABSTAIN:

---

**PRESIDENT** of the City Council and **MAYOR** of the City of Hermosa Beach, California

ATTEST:

APPROVED AS TO FORM:

---

City Clerk

---

City Attorney

**RESOLUTION NO. [REDACTED]**

**A RESOLUTION OF THE CITY OF HERMOSA BEACH, CALIFORNIA ESTABLISHING DESIGN AND DEVELOPMENT STANDARDS FOR WIRELESS FACILITIES IN THE PUBLIC RIGHT OF WAY, AS AUTHORIZED BY HBMC Chapter 12.18**

**SECTION 1. RECITALS.**

1. Upon adoption of the corresponding ordinance, Chapter 12.18 of the Hermosa Beach Municipal Code will govern the permitting, installation, and regulation of wireless facilities in the City’s public right of way (ROW).
2. Chapter 12.18 authorizes the City to develop and implement acceptable design, location and development standards for wireless facilities in the ROW, taking into account the zoning districts bounding the ROW.
3. The City’s ROW is a uniquely valuable public resource, closely linked with the City’s character, making the regulation of wireless installations in the ROW necessary to protect and preserve the aesthetics in the community.
4. Being authorized to do so, the City wishes to establish design and development standards applicable to wireless installations in the ROW.
5. On January 8, 2018, the City Council conducted a duly noticed public meeting and received testimony from City staff and all interested parties regarding the design and development standards.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF HERMOSA BEACH DOES RESOLVE AS FOLLOWS:**

**SECTION 2. APPLICATIONS.**

- A. **Pre-application meeting.** Prior to filing an application for a wireless encroachment permit, an applicant is required to schedule a pre-application meeting with the Director to discuss the proposed facility, the requirements of Hermosa Beach Municipal Code (HBMC) Chapter 12.18 and this Resolution and any potential impacts of the proposed facility. Following the meeting, City staff should provide the applicant with a list of items/changes needed to deem the application complete. If the applications comply, the City staff may accept the applications for processing. All other application submittals shall be made by appointment only.

**SECTION 3. DEFINITIONS.** The definitions set forth in Chapter 12.18 of the HBMC are incorporated by reference into this Resolution. For purposes of this Resolution, the term “pole-mounted facility” means a wireless facility that is, or is proposed to be, attached to, contained in or on, or otherwise mounted to, in, or on a pole.

**SECTION 4. DESIGN AND DEVELOPMENT STANDARDS FOR ALL FACILITIES.** The following design and development standards shall apply to all wireless facilities in the ROW:

**B. Visual Criteria.**

1. Generally. Wireless facilities shall be designed in the least visible means possible and to be compatible with support structure/surroundings.
2. Height. Wireless facilities shall be located no higher than 10% or 10 feet, whichever is greater, than the height otherwise permitted in the immediately adjacent zoning district.
3. Size. Wireless facilities shall be as small, short and unobtrusive as possible.
4. Concealment. The wireless facility and accessory equipment shall be camouflaged with use of one or more concealment elements to blend the facility with surrounding materials and colors of the adjacent street light or utility pole to which it is mounted. Concealment elements include:
  - a. Radio frequency transparent screening;
  - b. Approved, specific colors;
  - c. Use of non-reflective material(s);
  - d. Minimizing the size of the site;
  - e. Integrating the installation into existing or replacement utility infrastructure;
  - f. Installing new infrastructure that matches existing infrastructure in the area surrounding the proposed site.
  - g. Antennas, brackets (mounting), PVC or steel risers and cabling shall match the color of the adjacent structure.
  - h. Paint shall be of durable quality.
5. Materials. Materials shall be non-flammable and non-reflective.
6. Any modifications to existing facilities or collocations shall not defeat the concealment elements of the existing structure/facility.

**C. Location and Placement.**

1. Generally. All wireless facilities in the ROW, including each piece of equipment, shall be located and placed in a manner so as to not interfere with the use of the ROW; impede the flow of vehicular or pedestrian traffic; impair the primary use and purpose of poles/signs/traffic signals or other infrastructure; interfere with outdoor dining areas or emergency facilities; or otherwise obstruct the accessibility of the ROW.
2. Allowable Locations.
  - a. Allowable locations for wireless facilities, including distributed antenna system (DAS) nodes, are on existing or replacement infrastructure such as street lights and utility poles.
  - b. When locating in an alley, the wireless facility shall be placed at a height above the roof line of adjacent buildings to avoid being placed adjacent to a window. When locating in a walk-street, the facility shall be placed below the roof line of the adjacent buildings.
  - c. When choosing locations, choose locations in between occupiable buildings rather than immediately adjacent to occupiable buildings, and not adjacent to a window.
  - d. If the wireless facility is not able to be placed on existing infrastructure, the applicant shall provide a map of existing infrastructure in the service area and describe why each such site was not feasible.
- c. When all other allowable infrastructure sites such as street lights or utility poles have been exhausted and new infrastructure is not feasible, the applicant may request the installation of a new tower, camouflaged by City approved methods as set forth in this resolution.
3. Artificial Trees. Installation of monopalms or other artificial trees or plants in the ROW are prohibited.
4. Prohibited Locations/Zones include The Strand as defined in HBMC 12.20 and the Pier Plaza.
5. Strand-Mounted Facilities are prohibited.

**D. Equipment.**

1. Antennas. Antennas shall be as small, short and unobtrusive as possible.

2. **Accessory Equipment.** Wireless equipment associated with the antenna shall be enclosed in replacement poles or placed underground where feasible, and if not feasible, shall be as small, short and unobtrusive as possible.
3. **Generators and Batteries.** Generators are prohibited in the ROW. If backup batteries are proposed, they must be located underground where feasible.

E. **Electric Service.**

1. Utilize unmetered (flat rate) electric service, if allowed by the utility company, or use the narrowest electric meter and disconnect available. Ensure meter and other enclosures are well maintained, including regular painting, and the use of a graffiti-resistant paint. Stack the disconnect switch above/below the meter, instead of attached to the side of the meter.
2. Electrical meters, vaults and fans shall be located underground where feasible.

F. **Safety.** The facility shall not interfere with the use of the ROW; impede the flow of vehicular or pedestrian traffic; impair the primary use and purpose of poles/signs/traffic signals or other infrastructure; interfere with outdoor dining areas or emergency facilities; or otherwise obstruct the accessibility of the ROW.

G. **Noise.** All wireless facilities shall be designed to be compliant with the City Noise Ordinance pursuant to Chapter 8.24 of the HBMC and all other applicable laws.

H. **Lighting.** Lighting is prohibited unless required by the Federal Aviation Administration or other applicable law.

I. **Signs.**

1. The facility shall contain a site identification sticker provided on the base station or pole with a valid wireless encroachment permit number.
2. The facility shall not bear any signs or advertising devices other than the site identification sticker with a valid wireless encroachment permit number, certification, public safety warning, or other required seals or required signage.
3. Remove or paint over unnecessary equipment manufacturer decals and fill-in any visibly depressed manufacturer logos on equipment.

4. Utilize the smallest and lowest visibility stickers required by government or electric utility regulations. Use sticker colors that are more muted.
  5. Signage shall be maintained in legible condition and the carrier will be required to replace any faded signage within 30 days of receiving written notification from the City that it is in need of replacing.
- J. **Landscaping.** If there is ground mounted equipment surrounded by permeable surface, the permeable surfaces must be landscaped to the maximum extent feasible, including associated irrigation systems, in a manner that screens the facility/equipment. Any existing landscaping proposed to be removed must be replaced with like kind/size or better in a ROW location deemed acceptable by the Director of Public Works or designee.
- K. **Cabling.** Cabling and wiring shall be run internally within all poles to the maximum extent feasible. Where it is not feasible to run cabling and wiring internally, then all cabling and wiring shall be contained in conduit, affixed directly to the face of the pole, for as long as it is technically feasible. Exposed slack or extra cable is prohibited.

**SECTION 5. DESIGN AND DEVELOPMENT STANDARDS FOR POLE-MOUNTED FACILITIES.** In addition to the generally applicable standards set forth in Section 4 of this Resolution, the design and development standards for pole-mounted facilities in the ROW are as follows:

- A. **Poles, Generally.** For facilities installed on any pole:
1. **Certain Types Prohibited.** No historic resource or decorative and/or unique street lights or decorative structures are eligible for wireless facility installations. Installations on traffic poles are prohibited.
  2. **Placement.** A minimum five (5) foot horizontal radius from the base of the pole shall remain clear of obstructions to maintain pedestrian passage.
  3. **Wind and seismic load requirements** shall comply with applicable sections of the City's Building Code (Title 15) and any applicable California Public Utilities Commission (CPUC) General Orders.
- B. **Street Light Poles.**
1. Equipment shall be installed in a pole-top shroud and shall be of a tubular/cylindrical form factor, the streetlight pole shall be equipped with top-of-pole mounting bracket to accommodate the wireless facility and base

shrouds and shrouds mounted to the side of the pole are prohibited.

**C. Utility Poles.**

1. Joint-Use Poles. No antenna owner or operator shall install an antenna or any related facility on a joint-use pole unless such installation is designed and constructed to comply with the current edition of CPUC General Order 95 rules and regulation, and is installed and designed to the satisfaction of the Director.

2. Accessory Equipment.

- a. Antennas, brackets (mounting), PVC or steel risers and cabling shall match the color of the adjacent pole. Paint shall be of durable quality.
- b. The use of equipment enclosures that are nearly the same width as the pole, even if they need to be slightly longer as a result, is required. Narrow enclosures that are less likely to impair views of buildings and scenic resources or to detract from streetscapes are required. Utilize equipment mounting base plates that are no wider than the pole.
- c. While equipment orientation may be limited due to operating requirements, utility, or State rules; depending on pole type, orienting equipment facing away from nearby residential windows, and/or the primary travel direction, is required.
- d. Stack equipment close together and on the same side of the pole. If a long rectangular disconnect switch is used, rotate the enclosure so the elements can be stacked closer together on the pole. Wide offsets (more than 4 inches) of equipment enclosure brackets from the pole are prohibited.

**D. Replacement Poles and Street Lights.** If an applicant proposes a replacement pole or street light to accommodate the facility:

1. Placement. The replacement shall be in the same location as the street light or pole being replaced; unless the replacement will not meet all applicable standards, then replacement may be located in an alternative location that complies with the requirements herein.

**E. New Poles.**

1. In the event that a waiver is issued under HBMC Section 12.18.070(d), a new pole may be authorized in accordance with the following standards:



- a. The new pole must actually function for a purpose other than placement of a wireless facility (e.g. street light, utility pole, etc.).
- b. Design. The design must match the dimensions and design of existing and similar types of poles and antennas in the surrounding areas.

**SECTION 6.** The Director of Public Works is authorized is make interpretations of this Resolution and to promulgate regulations to implement HBMC Chapter 12.18 and this Resolution.

**SECTION 7.** If any provision of this Resolution or its application to any person or circumstance is held invalid, such invalidity has no effect on the other provisions or applications of the Resolution that can be given effect without the invalid provision or application, and to this extent, the provisions of this Resolution are severable. The City Council declares that it would have adopted this Resolution irrespective of the invalidity of any portion thereof.

**SECTION 8.** The Mayor shall sign and the City Clerk shall attest to the passage and adoption of this Resolution and enter it into the book of original resolutions. This Resolution will become effective immediately upon adoption.

**SECTION 9.** This Resolution shall take effect immediately. The City Clerk shall certify to the passage and adoption of this Resolution, shall cause the original of the same to be entered among the original resolutions of the City Council, and shall make a minute of the passage and adoption thereof in the minutes of the City Council meeting at which the same is passed and adopted.

**PASSED, APPROVED and ADOPTED** this \_\_\_\_ day of \_\_\_\_\_, 2019

---

**PRESIDENT** of the City Council and **MAYOR** of the City of Hermosa Beach, California

ATTEST:

APPROVED AS TO FORM:

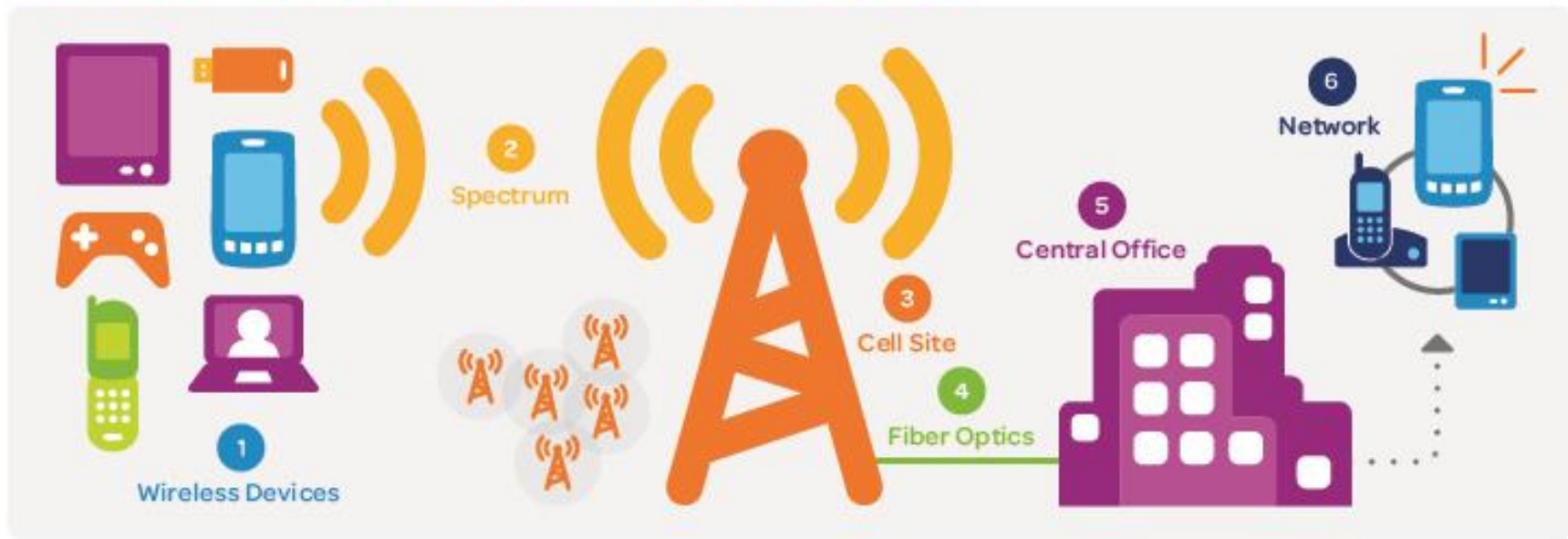
---

City Clerk

---

City Attorney

# How Wireless Works



## 1. Wireless Devices

Wireless devices consist of all consumer and business devices, smartphones, tablets, data cards, PDAs, etc.—used to make voice and video calls, send and receive text or access the Internet through the Wireless Network.

## 2. Spectrum

Spectrum is the essential resource made up of invisible airwaves carrying wireless data (voice, video, texts, email, Internet traffic, etc.) between wireless devices and cell sites or WiFi base stations. Spectrum may be “licensed”—owned and operated by a single operator, or “unlicensed”—available for all to use, such as the spectrum used by WiFi connections.

## 3. Cell Site

Cell sites host the radio and processing elements used to send and receive wireless data to and from wireless devices. Multiple cell sites are usually deployed to serve a large area using an overlapping pattern of cells, which allows users to remain connected while on the move.

## 4. Fiber Optics

Fiber optic lines are the modern way to transport wireless data via pulses of light between cell sites and central offices.

## 5. Central Office

*(Wireless Switch Building)*

At the central office, home and business lines connect to the network.


The central office houses equipment that routes calls locally or to long-distance carrier phone offices and wireless data to and from the Internet.

## 6. Network


All of these together bring AT&T customers the nation’s largest 4G network.

# Illustration of How Wireless Systems Function

The City Ordinance is ONLY Related to Small Wireless Facilities (including oDAS) in the Right of Way (ROW)



**Topography:** If an area is very hilly, more sites are needed to cover the area since there is shadowing from terrain. Consider how a hill blocks the sun's rays at sunset.



**Distribution of demand:**  
In more dense traffic and population areas, we also need to have more sites in order to provide the necessary capacity.

### Prohibited Wireless Facility Designs on Utility Poles



Exposed cables and antennas not painted to match pole



Bulky equipment not flush mounted or painted to match pole

### Allowed Wireless Facility Designs on Utility Poles



Cables are flush mounted and all equipment is painted to match pole



Cables and equipment are flush mounted and painted to match pole

## Prohibited Wireless Facility Designs on Street Lights



Exposed slack on cables and bulky equipment

## Allowed Wireless Facility Designs on Street Lights



Lineal designed equipment and flush mounted on pole with colors to match pole

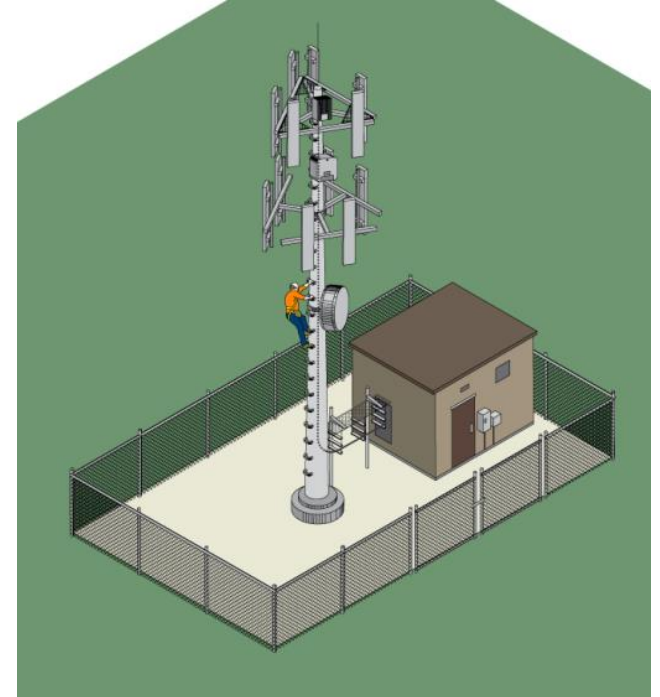


**The Ordinance is NOT Related to the Following Types of Wireless Facilities**

Cell on Wheels (COW)



Macro Cell Sites



City of Hermosa Beach Sample Street Light Poles, Utility Poles and Traffic Signals (Prohibited and Allowed)



Prohibited on decorative street light poles



Allowed on standard street light poles



Prohibited on all traffic signals



Allowed on utility poles extending above adjacent buildings

**From:** noreply@granicusideas.com <noreply@granicusideas.com>

**Sent:** Friday, January 4, 2019 12:49 PM

**To:** Ann Yang <anny@hermosabch.org>

**Subject:** New eComment for City Council Meeting (Closed Session - 6:00 PM and Regular Meeting - 7:00 PM)=0A

---

## New eComment for City Council Meeting (Closed Session - 6:00 PM and Regular Meeting - 7:00 PM)

Jim Sullivan submitted a new eComment.

Meeting: City Council Meeting (Closed Session - 6:00 PM and Regular Meeting - 7:00 PM)

Item: 5a. PUBLIC HEARINGS - TO COMMENCE AT 7:30 P.M.

eComment: I support the upgrade of cell service in HB to provide residents access to 5G service. I understand the ordinance applies only to antenna placements in public rights-of-way. What rules/ordinances, existing or new, will apply to antennas located on private property e.g. commercial bldg roof tops. Thank you.

[View and Analyze eComments](#)



**1/8/19 AGENDA, ITEM 5a - WIRELESS COMMUNICATION FACILITIES  
SUPPLEMENTAL EMAIL SUBMITTED TO THE CITY CLERK'S OFFICE BY PAM TATREAU ON 1/6/19 AT 1:58 P.M.**

**From:** Pam T <[pamtatr@gmail.com](mailto:pamtatr@gmail.com)>  
**Sent:** Sunday, January 6, 2019 1:58 PM  
**Subject:** January 8 Agenda

**1. G5 - I understand that the City Council will be considering an ordinance to allow and regulate wireless communication facilities in the public right-of-way... and update on AT&T's proposal for multiple installations of smaller wireless communication facilities... (Small Cell Towers - SCT). Note that the towers are not so small. The towers need to be placed every 200'. We worked hard to put our wires underground and get rid of those unsightly poles. This is like a giant step backwards. Just say NO to G5 cell towers. There is concern about health issues. While the radiation may be similar to that of an airport scanner, one is not exposed to airport scanners on a daily basis 24/7.**

**2. Infiltration project. I commented earlier on this so won't bore you. Like the "oil" project, you need to back peddle out of this as fast as you can. Nobody wants a cesspool in their back yard. I hate to see the removal of trees on the green belt as they do help to clean the air. I also worry about spills and our beautiful beaches. Keep Hermosa beautiful and say NO to the "big dig".**

**Thank you for your time.  
Pam Tatreau  
Hermosa Beach**

## **Wireless Resolutions and Standards- City Council - 8 Jan 2019 - D. Grethen**

The following comments are submitted for your consideration based on review of the Staff report, proposed resolution/ordinance, and proposed design standards. Please consider whether these comments identify any substantive shortcomings in the code/standards, or the effectiveness with which they are being specified.

The comments are organized mainly by topic area rather than by document, with associated proposed documentation for each topic cited within each section.

### **Public Health and Safety**

The Staff report seems to emphasize interpretation of the law in a way that restricts the City's regulatory powers to aesthetics and use of the public right-of-way (ROW). Health and safety considerations (e.g. radiation) are deferred to higher levels of government (e.g. FCC rules). I highlight this due to the likelihood of public health and safety concerns (e.g. about radiation emissions), and associated correspondence or oral input you may receive.

In anticipation of potential discussion of this subject, I would like to share an observation about the Staff report analysis of the law. It is curious how the cited CPUC codes 7901 and 2902 may appear to be in potential conflict since Code 2902 seems to bestow some responsibility or authority to the City.

Proposed Code 12.18.080 a) 1) i) states an approval condition that the City must find that the proposed facility "is not detrimental to public health, safety...". In trying to reconcile this with City regulatory limitations, and understand the extent to which the City is able to make such a finding, it seems like a primary vehicle would be enforcement of proposed Code 12.19.090 17) for testing to meet FCC emissions rules.

Note that certain design standards might also indirectly provide some degree of assurance as well, e.g., proximity of facility locations and heights relative to building windows, even if those standards are primarily driven by aesthetics.

### **Facility Height Constraints**

The proposed Design Standards include maximum height limits. Please consider whether there is a need to specify any minimum limits as well. This might be needed under conditions where it is desired to assure that a facility is not placed near a second-

or third-story window of a residence or other building, where the solution may be to assure the facility is placed above window level.

This notion and concern is touched upon in the proposed Design Standards, with respect to alleys in 2b, and there is discussion of adjacency to buildings in 2c. Walk streets are also identified as a special case. However, these standards may need to be augmented or strengthened more to more generally address residences/buildings in all City locations, with inclusion of potential height minimums as applicable.

### Design Standard Specificity

Many of the proposed Design Standards seem rather subjective, e.g. “shall be as small, short, and unobtrusive as possible”. Perhaps this is intentional, striving to provide flexibility while effectively communicating desired guidelines. But if there are opportunities to be more specific or quantitative in the code, without requiring excessive analysis, I would encourage such code enhancements.

### Pole Availability

Flexibility to meet wireless system objectives and satisfy City aesthetic, ROW, usage and (potentially) safety objectives depends on the availability of poles throughout the City that are eligible to accommodate wireless facilities. Comments here strive to assure eligibility based on specified pole ownership and clearance requirements.

It was not absolutely clear to me whether the SCE-owned utility poles are included as eligible for facility accommodation per proposed Code 12.18.030 Definitions, where Municipal Infrastructure means “City-owned or controlled property”. Hopefully the SCE poles are clearly deemed City-“controlled”. My recollection is that there are roughly 900 SCE poles and 400 City poles. Since exclusion of the SCE poles could impose a substantial limitation, these should be included.

We should also consider whether an excessive limitation would be associated with the proposed 5-foot pole clearance requirements per Resolution Section 5.A.2. (“A minimum five (5) foot horizontal radius from the base of the pole shall remain clear of obstructions to maintain pedestrian passage.”). While this requirement is not exactly the same type of specification as our ADA requirements for passage on sidewalks, we should consider whether there might similarly occur a number of challenges for compliance in our City. If so, then a relaxed value such as four (4) foot might be more appropriate to maximize flexibility.

David Grethen  
Hermosa Beach

## Allen Matkins

Allen Matkins Leck Gamble Mallory & Natsis LLP  
Attorneys at Law  
865 South Figueroa Street, Suite 2800 | Los Angeles, CA 90017-2543  
Telephone: 213.622.5555 | Facsimile: 213.620.8816  
www.allenmatkins.com

**Emily L. Murray**  
E-mail: emurray@allenmatkins.com  
Direct Dial: 213.955.5584 File Number: 370622-00147/LA1148321.02

### **Via Electronic Mail**

January 8, 2019

City Council  
City of Hermosa Beach  
1315 Valley Drive  
Hermosa Beach, CA 90254

**Re: AT&T's Initial Comments on Proposed Ordinance to Allow and Regulate Wireless Communication Facilities in the Public Right-of-Way and Corresponding Design Standards**

Dear Mayor Armato and Councilmembers,

I write on behalf of New Cingular Wireless PCS, LLC d/b/a AT&T Mobility ("AT&T"), to provide initial comments on the City of Hermosa Beach ("City") Proposed Ordinance to Allow and Regulate Wireless Communication Facilities in the Public Right-of-Way (the "Proposed Ordinance") and Corresponding Design Standards (the "Proposed Design Standards"). The Proposed Ordinance is set for a first reading before the City Council tonight, January 8, 2018. The Proposed Ordinance and the Proposed Design Standards were first made available for public review by AT&T and other wireless service providers just last Thursday, January 4, 2019. Accordingly, these comments are preliminary and AT&T reserves the right to submit further comment.

As set forth herein, while AT&T commends the City on the effort to update its wireless regulations in light of recent developments in technology and applicable laws, there are numerous issues with the Proposed Ordinance and the Proposed Design Standards that should be considered and addressed before the Proposed Ordinance and the Proposed Design Standards are adopted by the City. AT&T therefore is requesting that the hearing on the Proposed Ordinance the Proposed Design Standards be continued, in order to permit AT&T and others to complete a more thorough review and comment on the Proposed Ordinance and the Proposed Design Standards, and provide staff with time to address those comments in the draft.

#### **A. Introduction**

AT&T commends the City for recognizing the importance of fostering provision of high-quality communications services to its residents and businesses. With more than 70% of Americans relying exclusively or primarily on wireless telecommunications, it is especially important to

encourage responsible deployments. And with AT&T's selection by FirstNet as the wireless service provider to build and manage the nationwide first responder wireless network, each new or modified facility will strengthen first responder communications.

The Telecommunications Act of 1996, enacted in part to streamline wireless deployments on a national basis, establishes key limitations on local regulations. Section 6409(a) of the Middle Class Tax Relief and Job Creation Act of 2012 requires the City to approve certain eligible facilities requests to modify existing wireless facilities. The FCC recently issued its small cell deployment order and promulgated regulations, which goes into effect next week, *Accelerating Wireless Broadband Deployment by Removing Barriers to Infrastructure Investment, Declaratory Ruling and Third Report and Order, FCC 18-133* (September 27, 2018) (the "FCC Order"). Under the FCC Order, local regulations of small cell siting must be (1) reasonable, (2) no more burdensome than those applied to other infrastructure deployments, (3) objective, and (4) published in advance. AT&T has a statewide franchise right to place facilities in the public rights-of-way, so long as they do not incommode public use. AT&T's state law right is subject only to the City's reasonable and nondiscriminatory time, place, and manner regulations.

As set forth herein, certain provisions of the Proposed Ordinance and the Proposed Design Standards are in conflict with these federal and state laws, and require revision on that basis. Certain other provisions require revision because of a lack of clarity or consistency between the Proposed Ordinance and the Proposed Design Standards.

## **B. Comments on Proposed Ordinance**

- The City should make clear in the Proposed Ordinance that wireless facilities that are compliant with the Proposed Ordinance and the Proposed Design Standards are permitted in the right-of way adjacent to residential districts. The City had previously interpreted its existing Wireless Ordinance to prohibit wireless installations in the right-of way adjacent to residential districts. AT&T has argued that this interpretation is erroneous and in conflict with federal law. AT&T's understanding is that the Proposed Ordinance is intended in part to address this by permitting such installations, and, while the issue is addressed in the staff report, it is not clearly addressed in the Proposed Ordinance.
- It appears that the City proposes to adopt the FCC's definition for "small wireless facility," which AT&T supports. The City also should adopt accompanying definitions for "antenna," "antenna equipment," "antenna facility," "collocation," "facility" and "structure." AT&T can supply the appropriate definition language upon request.
- Section 12.18.040(a) of the Proposed Ordinance improperly prohibits all but small cell facilities and facilities qualifying as eligible facility requests ("EFRs") in the public rights-of-way. Section 12.18.080(a)(1)(iii) requires a finding that the facility is a small cell. These

provisions must be revised to avoid violating state and federal laws. Specifically, distributed antenna system ("DAS") facilities should also be included and permitted. AT&T believes the City does not intend to prohibit DAS since the Proposed Design Standards concern DAS (see Section 4(C)(2)(a)), but the language of the Proposed Ordinance is inconsistent in this regard.

- The City must be able to act within applicable FCC shot clocks, including two new shot clocks specific to small cells as set forth in the FCC Order. AT&T encourages the City to evaluate its processes to ensure it will be able to comply.
- Requirements for wireless siting applications must be specific and published in advance. It is not appropriate to include open-ended catchall provisions such as proposed in Section 12.18.070(b)(1).
- Section 12.18.070(e) must be revised or eliminated. The City may not reject an application due to incompleteness. The FCC has made clear that the City cannot prohibit filings. Instead, the City should codify (or at least refer to) the applicable shot clock procedure for handling incomplete applications.
- Section 12.18.080(c) authorizes the City to engage a consultant. The City should not delegate its authority to consultants. AT&T's experience is that consultants often drive up City costs (which may not be passed through to applicants under the FCC Order to the extent they exceed reasonable costs). If consultants are needed, the City should limit engagements to review of technical matters such as structural analysis and review of compliance with FCC radio frequency exposure standards.
- Section 12.18.090 provides that facility operation shall commence no later than ninety (90) days after the completion of installation, or the wireless encroachment permit will expire without further action by the City. This requirement may be impractical in that AT&T may have to wait for Edison to provide power to the facility in order to commence operation. This is outside of AT&T's control, and could take months from the time of application in order to receive power. This requirement should be eliminated.

### **C. Comments on Proposed Design Standards**

- Section 2 of the Proposed Design Standards requires a pre-application meeting. While certainly AT&T sees value in working with City staff, the City cannot mandate such a meeting. The FCC made clear that mandatory pre-application procedures do not toll the shot clocks. Under the FCC Order, the City would violate the Telecommunications Act's requirement for action within a reasonable period of time by taking more than 60 or 90 days to review a small cell siting application inclusive of any required pre-application process.

- Section 4(B)(1) requires wireless facilities to be "designed in the least visible means possible and to be compatible with support structure/surroundings." These standards are too subjective to be enforced.
- Section 4(B)(4) requires concealment. The City must take care not to impose discriminatory requirements. To the extent the City does not require other infrastructure deployments (e.g., electric distribution facilities) to be concealed, this provision must be revised.
- Under Section 4(C), the City prohibits wireless facilities in certain locations. Such blanket bans violate AT&T's state and federal rights. The City may prefer certain locations, but cannot prohibit facilities in portions of the City.
- Section 4(C)(2)(b) provides that, when locating in an alley, the wireless facility shall be placed at a height above the roof line of adjacent buildings, and when locating in a walk-street, the facility shall be placed below the roof line of the adjacent buildings. However, Section 4(B)(2) limits the facility height to no more than 10% or 10 feet, whichever is greater, above the height otherwise permitted in the adjacent zoning district. Where facilities are placed on utility poles, for example, there would likely be insufficient area between the adjacent roofline and the existing equipment on the pole to locate the wireless facilities. This renders this provision unreasonable and discriminatory.
- Section 4(C)(5) prohibits strand-mounted facilities. This provision should be eliminated. It is unreasonable, discriminatory, and subjective.
- Section 4(J) requires landscaping. This provision should be eliminated. It is unreasonable, discriminatory, and subjective, and not logical for right-of-way facilities.
- Section 5(A) prohibits attachments to decorative poles and traffic poles. The City should reevaluate these prohibitions. The FCC Order clearly applies to all government owned or controlled structures within the right-of-way. Many jurisdictions favor decorative pole designs for small cells. It makes sense to allow traffic light installations that permit the wireless provider to cover multiple directions from one location, which a mid-block location may not support. And concerns of interference are separately addressed.
- Section 5(A)(2) requires a minimum five (5) foot horizontal radius from the base of the pole shall remain clear of obstructions. This amount of space is not available at every location. This provision should be eliminated or modified to account for feasibility.
- Section 5(B)(1) prohibits shrouds mounted to the side of the pole. This provision should be eliminated. It is unreasonable, discriminatory, and subjective.



City Council  
January 8, 2019  
Page 5

- Section 5(C)(1) limits attachments to joint-use poles to facilities "designed to the satisfaction of the Director." This clause should be deleted. It is entirely subjective and discriminatory.
- Section 5(E)(1)(a) requires new poles to function for another purpose. This must be eliminated as it is discriminatory and unreasonable.

**D. Conclusion**

AT&T understands and appreciates the City's desire to develop its wireless regulations. As technologies advance and the types of facilities needed to meet increasing demands change, the City and wireless providers will be better served by policies that foster flexibility in siting wireless technologies.

AT&T is confident that the City can, after thoughtful consideration of the issues, develop a lawful ordinance, and we welcome the opportunity to work with the City to that end. However, at this juncture, in light of the substantial revisions needed to the Proposed Ordinance and the Proposed Design Standards, and in order to provide AT&T and others with sufficient time to review and comment, AT&T requests that the hearing be continued and staff be directed to work with AT&T and the wireless industry to revise the Proposed Ordinance and the Proposed Design Standards to be consistent with federal and state law.

Very truly yours,

*/s/ Emily L. Murray*

Emily L. Murray

ELM

cc: Kim Chafin, Planning Manager  
Nicole Ellis, Associate Planner  
Lauren Langer, Associate City Attorney

1/8/19 AGENDA, ITEM 5a - WIRELESS COMMUNICATION FACILITIES  
SUPPLEMENTAL LETTER FROM VERIZON WIRELESS SUBMITTED TO THE CITY CLERK'S  
OFFICE ON 1/8/19 AT 11:57 A.M.

**MACKENZIE & ALBRITTON LLP**

155 SANSOME STREET, SUITE 800  
SAN FRANCISCO, CALIFORNIA 94104

---

TELEPHONE 415 / 288-4000  
FACSIMILE 415 / 288-4010

January 8, 2019

**VIA EMAIL**

Mayor Stacey Armato  
Mayor Pro Tempore Mary Campbell  
Councilmembers Hany Fangary,  
Justin Massey and Jeff Duclos  
City Council  
City of Hermosa Beach  
1315 Valley Drive  
Hermosa Beach, California 90254

Re: Draft Ordinance and Design Standards  
Wireless Communication Facilities in the Public Right-of-Way  
Council Agenda Item 5(a), January 8, 2019

Dear Mayor Armato, Mayor Pro Tempore Campbell and Councilmembers:

We write on behalf of Verizon Wireless to provide comment on the draft ordinance regarding wireless facilities in the right-of-way (the “Draft Ordinance”) and related design standards (the “Draft Standards”). Verizon Wireless is concerned that numerous provisions contradict a recent Federal Communications Commission (“FCC”) order addressing approval criteria for small cell wireless facilities. For example, certain subjective standards contradict the FCC’s direction to evaluate small cells under objective criteria. Other standards, including strict equipment placement and undergrounding requirements, may be technically infeasible or unnecessary for small equipment components. We urge the Council to decline adoption of the Draft Ordinance and Draft Standards, and direct staff to make needed revisions.

To expedite deployment of small cells and new 5G technology, the FCC adopted an order in September that provides guidance on appropriate approval criteria for small cells. See *Accelerating Wireless Broadband Deployment by Removing Barriers to Infrastructure Investment*, Declaratory Ruling and Third Report and Order, FCC 18-133 (September 27, 2018) (the “Infrastructure Order”).<sup>1</sup> Among other topics, the FCC addressed aesthetic criteria for approval of qualifying small cells, concluding that they must be: “(1) reasonable, (2) no more burdensome than those applied to other types of

---

<sup>1</sup> While the Infrastructure Order and Code of Federal Regulations referenced in this letter were released on September 27, 2018, they will not be effective until January 14, 2019.

infrastructure deployments, and (3) objective and published in advance.” Infrastructure Order, ¶ 86. “Reasonable” standards are “technically feasible and reasonably directed to avoiding or remedying the intangible public harm of unsightly or out-of-character deployments.” *Id.*, ¶ 87. Objective standards must “incorporate clearly-defined and ascertainable standards, applied in a principled manner.” *Id.*, ¶ 88. Numerous provisions of the Draft Ordinance and Draft Standards contradict the Infrastructure Order, as we explain.

**Public Notice and Appeals Are Inappropriate For Evaluation under Objective Standards.**

While administrative approval of qualifying small cells is appropriate, public notice is not. Draft Ordinance §§ 12.18.050(a)(8), 12.18.070(b)(9). Public input introduces subjectivity to decision-making for applications which must be reviewed under objective criteria. Soliciting public comment frustrates both the public and decision-makers. The public’s subjective personal concerns simply cannot be addressed by decision-makers implementing what must be an objective process. The public notice requirement is irrelevant to administrative approval of small cells under the FCC’s criteria, and it should be stricken.

Because appeals involve *de novo* hearings and potentially notice, they also introduce subjectivity to final decisions. Draft Ordinance § 12.18.050(b). At a minimum, any appeal record should be restricted to the materials that were considered by the Director, and the scope of Hearing Officer review should be limited to confirming whether the Director’s decision was based on reasonable, objective criteria.

**Subjective Standards Are Inappropriate and Must Be Eliminated.**

Under objective criteria, either a facility complies, or it does not. Standards that invite discretion or opinions are inappropriate and preempted by the Infrastructure Order. The Draft Ordinance includes a several subjective general standards, including “maintains the integrity and character of the neighborhoods,” “minimize the intrusion on the rights-of-way” and “minimize visual impacts.” Draft Ordinance §§ 12.18.060(c), 12.18.060(d). The Draft Standards require facilities designed “in the least visible means possible” that is “compatible with surroundings” and as “unobtrusive as possible.” Draft Standards §§ 4(B)(1), 4(B)(3), 4(D)(1), 4(D)(2). Such subjective standards must be stricken.

The requirement for “concealment elements” is subjective and will pose complications for subsequent modifications submitted as eligible facilities requests under federal law. Draft Ordinance § 12.18.060(d). Requirements for “minimizing the size” and integrating facilities into utility infrastructure are subjective, and, for eligible facilities requests, these will be preempted by the FCC’s objective substantial change thresholds for height, protrusion and volume. Draft Standards § 4(B)(4), 47 C.F.R. § 1.40001(b)(7)(i-iii). Mandating new infrastructure that “matches” surrounding

infrastructure is a subjective and unreasonable requirement that ignores the rights granted to telephone corporations to use the right-of-way, including joint utility poles. The City does not have unlimited discretion over “concealment elements” under either the Infrastructure Order or FCC rules for eligible facilities requests. Requirements to incorporate concealment elements must be stricken.

**Unreasonable Standards Must Be Removed or Revised To Accommodate Typical Small Cell Designs.**

The draft regulations suggests that wireless carriers must place small cell equipment underground where feasible. Draft Ordinance § 12.18.060(c), Draft Standards § 4(D)(2). The FCC determined that undergrounding requirements, similar to aesthetic requirements, must be reasonable, non-discriminatory and objective. Infrastructure Order, ¶¶ 86, 90. There is no reason to require undergrounding of small pole-mounted equipment components. Small equipment boxes on poles are not “out-of-character” among typical infrastructure in the right-of-way. If overly strict standards force certain wireless carriers to underground equipment, they are unreasonable and may be discriminatory in contradiction of the FCC’s directives. The alternative to place equipment “enclosed in replacement poles” suggests an integrated design, but this is infeasible for wood utility poles, and certain radio units used by Verizon Wireless may not fit within the typical integrated pole models. This alternative to undergrounding is infeasible and unreasonable.

For small cells on street light poles owned by the City or Southern California Edison (“SCE”), the requirement to place all equipment in a tubular pole-top shroud may be infeasible due to the size of Verizon Wireless’s radio units, absent a very large and bulky pole-top deployment. Draft Standards § 5(B)(1). For utility poles, limiting equipment (and any concealment) to pole width may also preclude some radio models. Draft Standards § 5(C)(2)(b). Verizon Wireless may require larger radio units for new technologies or to provide adequate service to its sizable customer base. Where standards impose technically infeasible requirements that prohibit typical small cells required for service, they are unreasonable. SCE approves only a few designs for its street light poles, and the City must ensure that design criteria accommodate these designs.

Some new 5G small cells consists of antennas and radios integrated in one box. Further, 5G facilities, including integrated antennas, generally cannot be enclosed within a shroud because the shroud impedes 5G signal propagation. Draft Standards § 5(B)(1). Shrouding requirements may be technically infeasible and therefore unreasonable.

The Draft Standards limit small cells in the right-of-way to 10 feet or 10 percent over adjacent zone height limits, whichever greater. Draft Standards § 4(B)(2). This may pose complications for small cell antennas on utility poles, which generally are placed on top of a pole. Typically, a four-foot antenna is used, placed on top of a one-to-two-foot mounting bracket that conceals cables, with this equipment elevated six feet above pole-top electric supply conductors as required by Public Utilities Commission General Order 95 Rule 94. Where the proposed height limit precludes this placement, it

is technically infeasible and therefore unreasonable. We suggest that for small cells on utility poles, the City grant a height of increase up to 12 feet. When well-elevated, the narrow cylindrical antenna of a typical small cell poses little visual impact on the streetscape, and with increased height, coverage improves and fewer small cells are required to serve an area.

**Standards for New Poles Must Align with the Infrastructure Order and State Law.**

Requiring a waiver to place a new pole imposes an additional permit hurdle that contradicts Public Utilities Code Section 7901, which grants telephone corporations the right to place new poles in the right-of-way along with other telephone equipment. Draft Ordinance § 12.18.070(d), Draft Standards § 5(E)(1). New poles should be authorized with a wireless encroachment permit only, as with any small cell. While it is appropriate to require that applicants demonstrate that no existing infrastructure can support a small cell, the scope of this review should be limited to structures within 200 feet along the subject right-of-way. Draft Standards § 4(C)(2)(d). For new poles, the City should provide objective standards rather than imposing vague, subjective camouflage or matching requirements to be determined. Draft Standards §§ 4(C)(c), 5(E)(1)(b).

The City cannot require Verizon Wireless to install a street light or other non-wireless equipment on a new pole. Draft Standards § 5(E)(1)(a). This clearly contradicts Verizon Wireless's right under Public Utilities Code Section 7901 to erect new poles in the right-of-way solely to elevate telephone equipment. The City's limited aesthetic review extends to wireless facility equipment, but lighting is not a functional requirement for wireless service.

**The City Must Comply with New FCC Shot Clock Rules, and the Construction Period Should Be Extended.**

The Director cannot reject applications that they may consider to be incomplete because this contradicts the FCC's new "Shot Clock" rules regarding timely application processing. Draft Ordinance § 12.18.070(e). If a local jurisdiction finds a small cell application to be incomplete, it must notify the applicant within 10 days after submittal, and the Shot Clock time period will restart at day zero when the applicant responds. 47 C.F.R. § 1.6003(d)(1). If the City outright rejects or closes a duly-filed though possibly incomplete application, it would run afoul of federal Shot Clock rules.

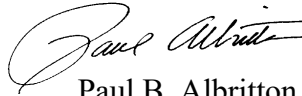
We note that as the FCC confirmed that the Shot Clock commences upon any mandatory pre-application procedure, Verizon Wireless will calculate the Shot Clock to commence upon the day it requests a required pre-application meeting or submittal appointment. Draft Standards § 2(A), 47 C.F.R. § 1.6003(e).

One condition of approval requires that a facility be constructed entirely within a 30-day period. Draft Ordinance § 12.18.090(a)(3). This unrealistic timeframe does not

account for the multiple components of facility construction, which starts with required make-ready work on an existing pole, any required pole replacement or installation of a new pole. The facility itself must be built, inspected, tested and adjusted, and the right-of-way restored if necessary. Multiple contractors may be involved. To ensure proper installation and thorough inspection, Verizon Wireless requests a 90-day build-out period to complete this work.

Numerous provisions of the Draft Ordinance and Draft Standards require removal or revision to avoid conflict with FCC's new Infrastructure Order. The City Council should decline adoption of these proposed regulations, and direct staff to work with industry on needed revisions.

Very truly yours,

A handwritten signature in black ink, appearing to read "Paul Albritton", written in a cursive style.

Paul B. Albritton

cc: Lauren Langer, Esq.  
Glen Kau  
Nicole Ellis  
Kim Chafin



Crown Castle  
300 Spectrum Center Drive  
Suite 1200  
Irvine, CA 92618

January 8, 2019

City of Hermosa Beach  
1315 Valley Drive  
Hermosa Beach, CA 90254

RE: Agenda Item 5(a) from Hermosa Beach's January 8, 2019 City Council Meeting Agenda

To the Honorable Mayor and Members of City Council,

Thank you for the opportunity to provide comments on the new City Ordinances to regulate wireless facilities in the Public Right of Way of Hermosa Beach. I will be attending the hearing tonight to provide comments and answer any questions that you may have.

Crown Castle applauds the City in its efforts in adopt code that provides city staff with a process to regulate these facilities in the ROW, and places such regulatory authority with the Director of Public Works. We also appreciate the work on design guidelines that provide both the city and the industry with certainty on designs so that the industry, to the best of its ability, can propose and build Small Cell facilities that are acceptable to the community.

Crown Castle obtained copies of the new code on Friday January 4, 2019 from the City's website. Therefore, we were only able to conduct a preliminary review.

In our review we have noted the following concerns:

**Comments on newly proposed code:**

1) § 12.18.050 (b) (2)

A two-day time period to allow for the appeal of a denial would not comport with due process because it does not provide enough time to review and respond to a denial. Additionally it does not allow the City appropriate time to issue and deliver denial letters to the applicant. We suggest at least a 10-day time period to file an appeal, for logistical reasons. These appeal periods are subject to the applicable shot clock period.

2) §12.18.070(b)(2)

Crown Castle is a Utility company in the state of California, authorized to install wireless infrastructure in the ROW, regardless of whether its infrastructure is utilized by is wireless service providers, pursuant to CA PUC §7901 and independent of the particular use supported by Crown Castle's infrastructure. It must be treated in a non-discriminatory manner to any other utility companies. As such it should not be required to provide the name and contact information for the wireless service provider.

3) §12.18.070(b)(3)

A signed and notarized owners' authorization for the use of a structure for a small cell facility, is not needed and in some cases, impossible to obtain. For instance, when a JPA member applies to utilize a wood utility pole for a small cell facility, our authorization does not come in the form of a notarized letter. It may not even come in the form of a signed document. If the other owners of a JPA pole do not specifically deny the utilization of a pole, after 45 days, we are authorized to utilize the pole per JPA rules. For the reasons stated above, it is our recommendation that you change this passage to read "The name of the owner of the structure, if different from the applicant, and authorization for use of that structure."

4) §12.18.070(b)(6)

Lease payment and term information is proprietary. We recommend that the passage be changed to read "A redacted copy of the lease or other agreement between the applicant and the owner of the property to which the proposed facility will be attached to the application upon submission." This would make it clear to the reviewer that applicants can redact this proprietary information

5) § 12.18.070(b)(9)

Crown Castle is a utility company authorized by the state of California to operate its facilities in the Right of Way ("ROW"). The State requires that all users of the ROW are regulated in a nondiscriminatory manner, under CA PUC §7901, and independent of the particular use supported by Crown Castle's infrastructure. It is our understanding that the city does not impose a noticing requirement for other users of the Right of Way. As such, we request that this noticing requirement be removed from the code.

6) § 12.18.070(e)

Rejection for Incompleteness' is not appropriate, but rather should be changed to a Notice of Incompleteness in order to be in conformance with Federal Law (FCC 18-133 Paragraph 145). Under federal rules, the City cannot reject an application for incompleteness. Instead they may notice the applicant, within the Federally mandated timeframe, that certain portions of their application remain incomplete. It is our recommendation that the passage be rewritten to reflect the fact that a notice of incompleteness will be sent out within the Federally mandated time frames, tolling the shot clock on the application, rather than the rejection language that is currently in place.

7) § 12.18.090(a) (2)

Crown Castle is a utility company authorized by the state of California to operate its facilities in the Right of Way ("ROW"). The State, and the FCC's Declaratory Ruling and Third Report and Order (FCC18-133) requires that all users of the ROW are regulated in a nondiscriminatory manner. It is our



understanding that the city does not impose a permit duration for other utility companies the Right of Way. As such, we request that this permit duration requirement be removed from the code.

7) § 12.18.090(a) (2)

The City should not require that the applicant perform a Radio Frequency Emissions compliance test upon construction for each site. Wireless emissions are regulated by the Federal Communications Commissions, not local agencies. If the applicant can provide written evidence attested to by a licensed Engineer that the facility complies with FCC regulations, that should suffice to prove compliance. See FCC 00-408.

### **Resolution Establishing Design and Development Standards**

1) § 2 (a)

As written, the requirement to schedule a pre-application meeting prior to submission of an application, to allow the city to review the application and determine missing items, is a violation of the Federal Shot Clock time limits for processing these applications. This review to determine missing items has been designated by the FCC as part of the Application process, with certain rules, requirements and timeframes associated with it. Under FCC 18-133 Paragraph 145 (attached), the City only has 10 days to determine if an application is complete, and toll the shot clock. Under that Notice of Incompleteness, the city can then subsequently only request additional clarification on the issues specifically written in the initial Notice of Incompleteness. The requirement to schedule a pre application meeting immediately puts City staff in a legal bind to process the applications legally. For these reasons stated above, we request that this Pre application meeting be changed from a requirement to a recommendation.

### **Design Standards**

1) § 4 (c)(4)

The outright prohibition of Small Cell facilities in the Strand and the Pier Plaza could result in a prohibition of services. We highly recommend that their prohibition in these areas be eliminated to comply with federal law and FCC regulations.

2) § 4 (c)(5)

Strand Mounted applications are a legitimate choice, and we believe that they represent the least intrusive design for placing wireless facilities in the ROW. In fact, the local cable company has installed many Wi-Fi routers (the same type of devices) on their overhead cable throughout the city.

They are extremely small and blend into the urban vertical environment. We highly suggest that the city review more of these types of installations to make a determination that these types of facilities are optimal.

Additionally, the outright prohibition of these types of facilities could result in a prohibition of services, in violation of federal law and FCC regulations. While the city's design guidelines allow for the placement of facilities on certain city owned and third party light poles (SCE Owned), Utility poles and new poles, there are instances in which none of these options would work due to various reasons. In this scenario, not allowing a strand mounted facility could result in a prohibition of our services in violation of federal law. We recommend that the city eliminate their prohibition.

3) § 4 (d)(2). Requiring undergrounding where "feasible", without defining feasibility is ambiguous, and contrary to FCC 18-133 that require guideless to be objective. Additionally in many situations to underground radio equipment will result in more significant impacts than the alternative design because of noise and visual impacts related to the cooling and venting of the underground facilities. Additionally, requiring undergrounding may be discriminatory in areas where other utilities are not currently undergrounded. For this reason, we suggest that the City remove the undergrounding portions of this section, or if not, define "feasible" to allow staff to provide an unbiased analysis of proposed facilities.

4) § 5 (b)(1) Base shrouds and shrouds mounted to the side of light poles are a legitimate choice of design, and we believe that they could be the least intrusive means possible of placing wireless facilities in the ROW, if other more preferred options are unavailable. We highly suggest that the City review more of these types of installations to make a determination that these types of facilities are optimal. Even if the City decides that these options are less desirable than only a pole top mounted facility, it should still allow for these types of facilities as a lesser desired option, to be selected other configurations are not viable, as opposed prohibiting them in violation of federal law and FCC regulations.

Additionally, the outright prohibition of these types of facilities could result in a prohibition of services. While the city's design guidelines allow for the placement of facilities on certain city owned and third party light poles (SCE Owned), Utility poles and new poles, there are instances in which none of these options would work due to various reasons. In this scenario, not allowing for the option of base shrouds and shrouds mounted to the side of light poles could result in a prohibition of our services in violation of federal law. We recommend that the City eliminate their prohibition from the proposed design guidelines.

5) § 4 (2)(d)

This section states that “Wide offsets (more than 4 inches) of equipment enclosure brackets from the pole are prohibited.” That currently complies with GO-95 requirements. However, those GO-95 periodically requirements change. We recommend making the following change, “Wide offsets (more than 4 inches) of equipment enclosure brackets from the pole are prohibited, unless otherwise required by state or federal regulations.” This would make it clear to the reviewer that if regulations change, such as GO-95, the state regulations prevail in a conflict.

6) § 4 (e)(1)(a)

This section states that “The new pole must actually function for a purpose other than placement of a wireless facility (e.g. streetlight, utility pole etc.)” This statement cases conflict with other sections of this code. For example, Section 4(e)(1) asks that flat rates are utilized for our facilities, in an effort to eliminate the need for meter pedestals. However, we are only allowed to power our wireless equipment with that unmetered rate, not a potential new light bulb. In order to power the new light bulb, we would need to install a meter pedestal, causing conflict with the section referenced above. Conversely, just to comply with this section, companies may propose to build a new wood utility pole in areas that do not currently have utility poles. Because of these conflicts, Crown Castle recommends removing this subsection in it’s entirely.

**Recommendation**

It is our recommendation that the City continue this item to a later date in January. Due to the complexities involved with the ordinance we believe that additional time is needed to review and our integrate comments, in order to ensure that the ordinance is compliant with new federal regulations. We also recommend that the City hold a stakeholder’s workshop to provide all interested parties the needed time to clearly and transparently to reflect their views on this Code and its effects on the community.

Respectfully,



Michael Cintron

Government Relations, Network Real Estate

E: [m.cintron@sure-site.com](mailto:m.cintron@sure-site.com) | M: 310-701-5780

Attachment: FCC Declaratory Ruling and Third Report and Order

Before the
Federal Communications Commission
Washington, D.C. 20554

In the Matter of )
)
Accelerating Wireless Broadband Deployment by ) WT Docket No. 17-79
Removing Barriers to Infrastructure Investment )
)
Accelerating Wireline Broadband Deployment by ) WC Docket No. 17-84
Removing Barriers to Infrastructure Investment )

DECLARATORY RULING AND THIRD REPORT AND ORDER

Adopted: September 26, 2018

Released: September 27, 2018

By the Commission: Chairman Pai and Commissioners O’Rielly and Carr issuing separate statements;
Commissioner Rosenworcel approving in part, dissenting in part and issuing a statement.

TABLE OF CONTENTS

Heading Paragraph #
I. INTRODUCTION.....1
II. BACKGROUND.....14
A. Legal Background.....14
B. The Need for Commission Action.....23
III. DECLARATORY RULING.....30
A. Overview of the Section 253 and Section 332(c)(7) Framework Relevant to Small
Wireless Facilities Deployment.....34
B. State and Local Fees.....43
C. Other State and Local Requirements that Govern Small Facilities Deployment.....81
D. States and Localities Act in Their Regulatory Capacities When Authorizing and Setting
Terms for Wireless Infrastructure Deployment in Public Rights of Way.....92
E. Responses to Challenges to Our Interpretive Authority and Other Arguments.....98
IV. THIRD REPORT AND ORDER.....103
A. New Shot Clocks for Small Wireless Facility Deployments.....104
1. Two New Section 332 Shot Clocks for Deployment of Small Wireless Facilities.....105
2. Batched Applications for Small Wireless Facilities.....113
B. New Remedy for Violations of the Small Wireless Facilities Shot Clocks.....116
C. Clarification of Issues Related to All Section 332 Shot Clocks.....132
1. Authorizations Subject to the “Reasonable Period of Time” Provision of Section
332(c)(7)(B)(ii).....132
2. Codification of Section 332 Shot Clocks.....138
3. Collocations on Structures Not Previously Zoned for Wireless Use.....140
4. When Shot Clocks Start and Incomplete Applications.....141
V. PROCEDURAL MATTERS.....148
VI. ORDERING CLAUSES.....151
APPENDIX A -- Final Rules
APPENDIX B -- Comments and Reply Comments
APPENDIX C -- Final Regulatory Flexibility Analysis

## I. INTRODUCTION

1. America is in the midst of a transition to the next generation of wireless services, known as 5G. These new services can unleash a new wave of entrepreneurship, innovation, and economic opportunity for communities across the country. The FCC is committed to doing our part to help ensure the United States wins the global race to 5G to the benefit of all Americans. Today's action is the next step in the FCC's ongoing efforts to remove regulatory barriers that would unlawfully inhibit the deployment of infrastructure necessary to support these new services. We proceed by drawing on the balanced and commonsense ideas generated by many of our state and local partners in their own small cell bills.

2. Supporting the deployment of 5G and other next-generation wireless services through smart infrastructure policy is critical. Indeed, upgrading to these new services will, in many ways, represent a more fundamental change than the transition to prior generations of wireless service. 5G can enable increased competition for a range of services—including broadband—support new healthcare and Internet of Things applications, speed the transition to life-saving connected car technologies, and create jobs. It is estimated that wireless providers will invest \$275 billion<sup>1</sup> over the next decade in next-generation wireless infrastructure deployments, which should generate an expected three million new jobs and boost our nation's GDP by half a trillion dollars.<sup>2</sup> Moving quickly to enable this transition is important, as a new report forecasts that speeding 5G infrastructure deployment by even one year would unleash an additional \$100 billion to the U.S. economy.<sup>3</sup> Removing barriers can also ensure that every community gets a fair shot at these deployments and the opportunities they enable.

3. The challenge for policymakers is that the deployment of these new networks will look different than the 3G and 4G deployments of the past. Over the last few years, providers have been increasingly looking to densify their networks with new small cell deployments that have antennas often no larger than a small backpack. From a regulatory perspective, these raise different issues than the construction of large, 200-foot towers that marked the 3G and 4G deployments of the past. Indeed, estimates predict that upwards of 80 percent of all new deployments will be small cells going forward.<sup>4</sup> To support advanced 4G or 5G offerings, providers must build out small cells at a faster pace and at a far greater density of deployment than before.

4. To date, regulatory obstacles have threatened the widespread deployment of these new services and, in turn, U.S. leadership in 5G. The FCC has lifted some of those barriers, including our decision in March 2018, which excluded small cells from some of the federal review procedures designed for those larger, 200-foot towers. But as the record here shows, the FCC must continue to act in partnership with our state and local leaders that are adopting forward leaning policies.

5. Many states and localities have acted to update and modernize their approaches to small cell deployments. They are working to promote deployment and balance the needs of their communities. At the same time, the record shows that problems remain. In fact, many state and local officials have urged the FCC to continue our efforts in this proceeding and adopt additional reforms. Indeed, we have

---

<sup>1</sup> See Accenture Strategy, Accelerating Future Economic Value from the Wireless Industry at 2 (2018) (Accelerating Future Economic Value Report), <https://www.ctia.org/news/accelerating-future-economic-value-from-the-wireless-industry>, attached to Letter from Scott K. Bergmann, Senior Vice Pres., Reg. Affairs, CTIA to Marlene H. Dortch, Secretary, FCC, WT Docket No. 17-79 (filed July 19, 2018).

<sup>2</sup> See Accenture Strategy, Smart Cities: How 5G Can Help Municipalities Become Vibrant Smart Cities, (2017) <http://www.ctia.org/docs/default-source/default-document-library/how-5g-can-help-municipalities-become-vibrant-smart-cities-accenture.pdf>; attached to Letter from Scott Bergmann, Vice Pres. Reg. Affairs, CTIA to Marlene H. Dortch, Secretary, FCC, WT Docket No. 16-421, (filed Jan. 13, 2017).

<sup>3</sup> Accelerating Future Economic Value Report at 2.

<sup>4</sup> Letter from John T. Scott, Counsel for Mobilitie, LLC, to Marlene H. Dortch, Secretary, FCC, WT Docket No. 17-79 at 2-3 (filed Sept. 12, 2018).

heard from a number of local officials that the excessive fees or other costs associated with deploying small scale wireless infrastructure in large or otherwise “must serve” cities are materially inhibiting the buildout of wireless services in their own communities.

6. We thus find that now is the appropriate time to move forward with an approach geared at the conduct that threatens to limit the deployment of 5G services. In reaching our decision today, we have benefited from the input provided by a range of stakeholders, including state and local elected officials.<sup>5</sup> FCC leadership spent substantial time over the course of this proceeding meeting directly with local elected officials in their jurisdictions. In light of those discussions and our consideration of the record here, we reach a decision today that does not preempt nearly any of the provisions passed in recent state-level small cell bills. We have reached a balanced, commonsense approach, rather than adopting a one-size-fits-all regime. This ensures that state and local elected officials will continue to play a key role in reviewing and promoting the deployment of wireless infrastructure in their communities.

7. Although many states and localities support our efforts, we acknowledge that there are others who advocated for different approaches.<sup>6</sup> We have carefully considered these views, but nevertheless find our actions here necessary and fully supported. By building on state and local ideas, today’s action boosts the United States’ standing in the race to 5G. According to a study submitted by Corning, our action would eliminate around \$2 billion in unnecessary costs, which would stimulate around \$2.4 billion of additional buildouts.<sup>7</sup> And that study shows that such new service would be

---

<sup>5</sup> See, e.g., Letter from Brian D. Hill, Ohio State Representative, to the Hon. Brendan Carr, Commissioner, FCC, WT Docket No. 17-79 at 1-2 (filed Aug. 31, 2018) (“While the FCC and the Ohio Legislature have worked to reduce the timeline for 5G deployment, the same cannot be said for all local and state governments. Regulations written in a different era continue to dictate the regulatory process for 5G infrastructure”); Letter from Maureen Davey, Commissioner, Stillwater County, to the Hon. Brendan Carr, Commissioner, FCC, WT Docket No. 17-79 at 1-2 (filed Sept. 18, 2018) (“[T]he Commission’s actions to lower regulatory barriers can enable more capital spending to flow to areas like ours. Reducing fees and shortening review times in urban areas, thereby lowering the cost of deployment in such areas, can promote speedier deployment across all of America.”); Letter from Board of County Commissioners, Yellowstone County, to the Hon. Brendan Carr, Commissioner, FCC, WT Docket No. 17-79 at 1-2 (filed Sept. 21, 2018) (“Reducing these regulatory barriers by setting guidelines on fees, siting requirements and review timeframes, will promote investment including rural areas like ours.”); Letter from Board of Commissioners, Harney County, Oregon, to the Hon. Brendan Carr, Commissioner, FCC, WT Docket No. 17-79 at 1-2 (filed Sept. 5, 2018) (“By taking action to speed and reduce the costs of deployment across the country, and create a more uniform regulatory framework, the Commission will lower the cost of deployment, enabling more investment in both urban and rural communities.”); Letter from Niraj J. Antani, Ohio State Representative, to the Hon. Brendan Carr, Commissioner, FCC, WT Docket No. 17-79 at 1-2 (filed Sept. 4, 2018) (“[T]o truly expedite the small cell deployment process, broader government action is needed on more than just the state level.”); Letter from Michael C. Taylor, Mayor, City of Sterling Heights, to the Hon. Brendan Carr, Commissioner, FCC, WT Docket No. 17-79 at 1-2 (filed Aug. 30, 2018) (“[T]here are significant, tangible benefits to having a nation-wide rule that promotes the deployment of next-generation wireless access without concern that excessive regulation or small cell siting fees slows down the process.”).

<sup>6</sup> See, e.g., Letter from Linda Morse, Mayor, City of Manhattan, KS to Marlene H. Dortch, Secretary, FCC, WT Docket No. 17-79 at 1-2 (filed Sept. 13, 2018) (City of Manhattan, KS Sept. 13, 2018 *Ex Parte* Letter); Letter from Ronny Berdugo, Legislative Representative, League of California Cities to Marlene H. Dortch, Secretary, FCC, WT Docket No. 17-79 at 1-2 (filed Sept. 18, 2018) (Ronny Berdugo Sept. 18, 2018 *Ex Parte* Letter); Letter from Damon Connolly, Marin County Board of Supervisors to Marlene H. Dortch, Secretary, FCC, WT Docket No. 17-79 at 1-2 (filed Sept. 17, 2018) (Damon Connolly Sept. 17, 2018 *Ex Parte* Letter).

<sup>7</sup> See Letter from Thomas J. Navin, Counsel to Corning, Inc., to Marlene H. Dortch, Secretary, FCC, WT Docket No. 17-79 at 1, Attach. A at 2-3 (filed Sept. 5, 2018) (Corning Sept. 5, 2018 *Ex Parte* Letter).

deployed where it is needed most: 97 percent of new deployments would be in rural and suburban communities that otherwise would be on the wrong side of the digital divide.<sup>8</sup>

8. The FCC will keep pressing ahead to ensure that every community in the country gets a fair shot at the opportunity that next-generation wireless services can enable. As detailed in the sections that follow, we do so by taking the following steps.

9. In the Declaratory Ruling, we note that a number of appellate courts have articulated different and often conflicting views regarding the scope and nature of the limits Congress imposed on state and local governments through Sections 253 and 332. We thus address and reconcile this split in authorities by taking three main actions.

10. First, we express our agreement with the U.S. Courts of Appeals for the First, Second, and Tenth Circuits that the “materially inhibit” standard articulated in 1997 by the Clinton-era FCC’s *California Payphone* decision is the appropriate standard for determining whether a state or local law operates as a prohibition or effective prohibition within the meaning of Sections 253 and 332.

11. Second, we note, as numerous courts and prior FCC cases have recognized, that state and local fees and other charges associated with the deployment of wireless infrastructure can unlawfully prohibit the provision of service. At the same time, courts have articulated various approaches to determining the types of fees that run afoul of Congress’s limits in Sections 253 and 332. We thus clarify the particular standard that governs the fees and charges that violate Sections 253 and 332 when it comes to the Small Wireless Facilities at issue in this decision.<sup>9</sup> Namely, fees are only permitted to the extent that they are nondiscriminatory and represent a reasonable approximation of the locality’s reasonable costs. In this section, we also identify specific fee levels for the deployment of Small Wireless Facilities that presumptively comply with this standard. We do so to help avoid unnecessary litigation over fees.

12. Third, we focus on a subset of other, non-fee provisions of local law that could also operate as prohibitions on service. We do so in particular by addressing state and local consideration of aesthetic concerns in the deployment of Small Wireless Facilities, recognizing that certain reasonable aesthetic considerations do not run afoul of Sections 253 and 332. This responds in particular to many concerns we heard from state and local governments about deployments in historic districts.

---

<sup>8</sup> *Id.*

<sup>9</sup> “Small Wireless Facilities,” as used herein and consistent with section 1.1312(e)(2), encompasses facilities that meet the following conditions:

- (1) The facilities—
  - (i) are mounted on structures 50 feet or less in height including their antennas as defined in section 1.1320(d), or
  - (ii) are mounted on structures no more than 10 percent taller than other adjacent structures, or
  - (iii) 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;
- (2) Each antenna associated with the deployment, excluding associated antenna equipment (as defined in the definition of antenna in section 1.1320(d)), is no more than three cubic feet in volume;
- (3) All other wireless equipment associated with the structure, including the wireless equipment associated with the antenna and any pre-existing associated equipment on the structure, is no more than 28 cubic feet in volume;
- (4) The facilities do not require antenna structure registration under part 17 of this chapter;
- (5) The facilities are not located on Tribal lands, as defined under 36 CFR 800.16(x); and
- (6) The facilities do not result in human exposure to radiofrequency radiation in excess of the applicable safety standards specified in section 1.1307(b).



13. Next, we issue a Report and Order that addresses the “shot clocks” governing the review of wireless infrastructure deployments. We take three main steps in this regard. First, we create a new set of shot clocks tailored to support the deployment of Small Wireless Facilities. In particular, we read Sections 253 and 332 as allowing 60 days for reviewing the application for attachment of a Small Wireless Facility using an existing structure and 90 days for the review of an application for attachment of a small wireless facility using a new structure. Second, while we do not adopt a “deemed granted” remedy for violations of our new shot clocks, we clarify that failing to issue a decision up or down during this time period is not simply a “failure to act” within the meaning of applicable law. Rather, missing the deadline also constitutes a presumptive prohibition. We would thus expect any locality that misses the deadline to issue any necessary permits or authorizations without further delay. We also anticipate that a provider would have a strong case for quickly obtaining an injunction from a court that compels the issuance of all permits in these types of cases. Third, we clarify a number of issues that are relevant to all of the FCC’s shot clocks, including the types of authorizations subject to these time periods.

## II. BACKGROUND

### A. Legal Background

14. In the Telecommunications Act of 1996 (the 1996 Act), Congress enacted sweeping new provisions intended to facilitate the deployment of telecommunications infrastructure. As U.S. Courts of Appeals have stated, “[t]he [1996] Act ‘represents a dramatic shift in the nature of telecommunications regulation.’”<sup>10</sup> The Senate floor manager, Senator Larry Pressler, stated that “[t]his is the most comprehensive deregulation of the telecommunications industry in history.”<sup>11</sup> Indeed, the purpose of the 1996 Act is to “provide for a pro-competitive, deregulatory national policy framework . . . by opening all telecommunications markets to competition.”<sup>12</sup> The conference report on the 1996 Act similarly indicates that Congress “intended to remove all barriers to entry in the provision of telecommunications services.”<sup>13</sup> The 1996 Act thus makes clear Congress’s commitment to a competitive telecommunications marketplace unhindered by unnecessary regulations, explicitly directing the FCC to “promote competition and reduce regulation in order to secure lower prices and higher quality services for American telecommunications consumers and encourage the rapid deployment of new telecommunications technologies.”<sup>14</sup>

15. Several provisions of the 1996 Act speak directly to Congress’s determination that certain state and local regulations are unlawful. Section 253(a) provides that “[n]o State or local statute or regulation, or other State or local legal requirement, may prohibit or have the effect of prohibiting the ability of any entity to provide any interstate or intrastate telecommunications service.”<sup>15</sup> Courts have observed that Section 253 represents a “broad preemption of laws that inhibit competition.”<sup>16</sup>

16. The Commission has issued several rulings interpreting and providing guidance regarding the language Congress used in Section 253. For instance, in the 1997 *California Payphone* decision, the Commission, under the leadership of then Chairman William Kennard, stated that, in determining whether a state or local law has the effect of prohibiting the provision of telecommunications services, it

---

<sup>10</sup> *Sprint Telephony PCS LP v. County of San Diego*, 543 F.3d 571, 575 (9th Cir. 2008) (en banc) (*County of San Diego*) (quoting *Cablevision of Boston, Inc. v. Pub. Improvement Comm’n*, 184 F.3d 88, 97 (1st Cir. 1999)).

<sup>11</sup> 141 Cong. Rec. S8197 (daily ed. June 12, 1995).

<sup>12</sup> H.R. Conf. Rep. No. 104-458, at 113 (1996), reprinted in 1996 U.S.C.C.A.N. (100 Stat. 5) 124.

<sup>13</sup> S. Rep. No. 104-230, at 126 (1996) (Conf. Rep.).

<sup>14</sup> Preamble, Telecommunications Act of 1996, P.L. 104-104, 100 Stat. 56 (1996); see also *AT&T Corp. v. Iowa Utils. Bd.*, 525 U.S. 366, 371 (1999) (noting that the 1996 Act “fundamentally restructures local telephone markets” to facilitate market entry); *Reno v. American Civil Liberties Union*, 521 U.S. 844, 857-58 (1997) (“The Telecommunications Act was an unusually important legislative enactment . . . designed to promote competition.”).

<sup>15</sup> 47 U.S.C. § 253(a).

<sup>16</sup> *Puerto Rico Tel. Co. v. Telecomm. Reg. Bd. of Puerto Rico*, 189 F.3d 1, 11 n.7 (1st Cir. 1999).

“consider[s] whether the ordinance materially inhibits or limits the ability of any competitor or potential competitor to compete in a fair and balanced legal and regulatory environment.”<sup>17</sup>

17. Similar to Section 253, Congress specified in Section 332(c)(7) that “[t]he regulation of the placement, construction, and modification of personal wireless service facilities by any State or local government or instrumentality thereof—(I) shall not unreasonably discriminate among providers of functionally equivalent services; and (II) shall not prohibit or have the effect of prohibiting the provision of personal wireless services.”<sup>18</sup> Clause (B)(ii) of that section further provides that “[a] State or local government or instrumentality thereof shall act on any request for authorization to place, construct, or modify personal wireless service facilities within a reasonable period of time after the request is duly filed with such government or instrumentality, taking into account the nature and scope of such request.”<sup>19</sup> Section 332(c)(7) generally preserves state and local authority over the “placement, construction, and modification of personal wireless service facilities” but with the important limitations described above.<sup>20</sup> Section 332(c)(7) also sets forth a judicial remedy, stating that “[a]ny person adversely affected by any final action or failure to act by a State or local government” that is inconsistent with the requirements of Section 332(c)(7) “may, within 30 days after such action or failure to act, commence an action in any court of competent jurisdiction.”<sup>21</sup> The provision further directs the court to “decide such action on an expedited basis.”<sup>22</sup>

18. The Commission has previously interpreted the language Congress used and the limits it imposed on state and local authority in Section 332. For instance, in interpreting Section 332(c)(7)(B)(i)(II), the Commission has found that “a State or local government that denies an application for personal wireless service facilities siting solely because ‘one or more carriers serve a given geographic market’ has engaged in unlawful regulation that ‘prohibits or ha[s] the effect of prohibiting the provision of personal wireless services,’ within the meaning of Section 332(c)(7)(B)(i)(II).”<sup>23</sup> In adopting this interpretation, the Commission explained that its “construction of the provision achieves a balance that is most consistent with the relevant goals of the Communications Act” and its understanding that “[i]n promoting the construction of nationwide wireless networks by multiple carriers, Congress sought ultimately to improve service quality and lower prices for consumers.”<sup>24</sup> The Commission also noted that an alternative interpretation would “diminish the service provided to [a wireless provider’s] customers.”<sup>25</sup>

<sup>17</sup> *California Payphone Ass’n*, 12 FCC Rcd 14191, 14206, para. 31 (1997) (*California Payphone*).

<sup>18</sup> 47 U.S.C. § 332(c)(7)(B)(i).

<sup>19</sup> 47 U.S.C. § 332(c)(7)(B)(ii).

<sup>20</sup> 47 U.S.C. § 332(c)(7)(A) (stating that, “[e]xcept as provided in this paragraph, nothing in this chapter shall limit or affect the authority of a State or local government or instrumentality thereof over decisions regarding the placement, construction, and modification of personal wireless services facilities”). The statute defines “personal wireless services” to include CMRS, unlicensed wireless services, and common carrier wireless exchange access services. 47 U.S.C. § 332(c)(7)(C). In 2012, Congress expressly modified this preservation of local authority by enacting Section 6409(a), which requires local governments to approve certain types of facilities siting applications “[n]otwithstanding section 704 of the Telecommunications Act of 1996 [codified in substantial part as Section 332(c)(7)] . . . or any other provision of law.” Spectrum Act, 47 U.S.C. § 6409(a)(1).

<sup>21</sup> 47 U.S.C. § 332(c)(7)(B)(v).

<sup>22</sup> 47 U.S.C. § 332(c)(7)(B)(v).

<sup>23</sup> *Petition for Declaratory Ruling to Clarify Provisions of Section 332(c)(7) to Ensure Timely Siting Review*, Declaratory Ruling, 24 FCC Rcd 13994, 14016, para. 56 (2009) (*2009 Declaratory Ruling*), *aff’d*, *City of Arlington v. FCC*, 668 F.3d 229 (5th Cir. 2012) (*City of Arlington*), *aff’d*, 569 U.S. 290 (2013).

<sup>24</sup> *2009 Declaratory Ruling*, 24 FCC Rcd at 14017-18, para. 61.

<sup>25</sup> *Id.*

19. In the *2009 Declaratory Ruling*, the Commission acted to speed the deployment of then-new 4G services and concluded that, “[g]iven the evidence of unreasonable delays [in siting decisions] and the public interest in avoiding such delays,” it should offer guidance regarding the meaning of the statutory phrases “reasonable period of time” and “failure to act” “in order to clarify when an adversely affected service provider may take a dilatory State or local government to court.”<sup>26</sup> The Commission interpreted “reasonable period of time” under Section 332(c)(7)(B)(ii) to be 90 days for processing collocation applications and 150 days for processing applications other than collocations.<sup>27</sup> The Commission further determined that failure to meet the applicable time frame enables an applicant to pursue judicial relief within the next 30 days.<sup>28</sup> In litigation involving the 90-day and 150-day time frames, the locality may attempt to “rebut the presumption that the established timeframes are reasonable.”<sup>29</sup> If the agency fails to make such a showing, it may face “issuance of an injunction granting the application.”<sup>30</sup> In its *2014 Wireless Infrastructure Order*,<sup>31</sup> the Commission clarified that the time frames under Section 332(c)(7) are presumptively reasonable and begin to run when the application is submitted, not when it is found to be complete by a siting authority.<sup>32</sup>

20. In 2012, Congress adopted Section 6409 of the Middle Class Tax Relief and Job Creation Act (the Spectrum Act), which provides further evidence of Congressional intent to limit state and local laws that operate as barriers to infrastructure deployment. It states that, “[n]otwithstanding section 704 of the Telecommunications Act of 1996 [codified as 47 U.S.C. § 332(c)(7)] or any other provision of law, a State or local government may not deny, and shall approve, any eligible facilities request for a modification of an existing wireless tower or base station that does not substantially change the physical dimensions of such tower or base station.”<sup>33</sup> Subsection (a)(2) defines the term “eligible facilities request” as any request for modification of an existing wireless tower or base station that involves (a) collocation of new transmission equipment; (b) removal of transmission equipment; or (c) replacement of transmission equipment.<sup>34</sup> In implementing Section 6409 and in an effort to “advance[e] Congress’s goal

<sup>26</sup> *Id.* at 14008, para. 37; *see also id.* at 14029 (Statement of Chairman Julius Genachowski) (“[T]he rules we adopt today . . . will have an important effect in speeding up wireless carriers’ ability to build new 4G networks--which will in turn expand and improve the range of wireless choices available to American consumers.”).

<sup>27</sup> *Id.* at 14012, para. 45.

<sup>28</sup> *Id.* at 14005, 14012, paras. 32, 45.

<sup>29</sup> *Id.* at 14008-10, 14013-14, paras. 37-42, 49-50.

<sup>30</sup> *Id.* at 14009, para. 38; *see also City of Rancho Palos Verdes v. Abrams*, 544 U.S. 113, 115 (2005) (proper remedies for Section 332(c)(7) violations include injunctions but not constitutional tort damages).

<sup>31</sup> Specifically, the Commission determined that once a siting application is considered complete for purposes of triggering the Section 332(c)(7) shot clocks, those shot clocks run regardless of any moratoria imposed by state or local governments, and the shot clocks apply to DAS and small-cell deployments so long as they are or will be used to provide “personal wireless services.” *Acceleration of Broadband Deployment by Improving Wireless Facilities Siting Policies*, Report & Order, 29 FCC Rcd 12865, 12966, 12973, paras. 243, 270, (2014) (*2014 Wireless Infrastructure Order*), *aff’d*, *Montgomery County v. FCC*, 811 F.3d 121 (4th Cir. 2015) (*Montgomery County*); *see also Accelerating Wireless Broadband Deployment by Removing Barriers to Infrastructure Investment*, Notice of Proposed Rulemaking and Notice of Inquiry, 32 FCC Rcd 3330, 3339, para. 22 (2017) (*Wireless Infrastructure NPRM/NOD*); *Accelerating Wireline Broadband Deployment by Removing Barriers to Infrastructure Investment*, Third Report and Order and Declaratory Ruling, WC Docket No. 17-84 and WT Docket No. 17-79, FCC 18-111, paras. 140-68 (rel. Aug. 3, 2018) (*Moratoria Declaratory Ruling*).

<sup>32</sup> *2014 Wireless Infrastructure Order*, 29 FCC Rcd at 12970, para. 258. (“Accordingly, to the extent municipalities have interpreted the clock to begin running only after a determination of completeness, that interpretation is incorrect.”).

<sup>33</sup> Middle Class Tax Relief and Job Creation Act of 2012, Pub. L. No. 112-96 § 6409(a)(2), 126 Stat. 156 (2012).

<sup>34</sup> *Id.*

of facilitating rapid deployment,”<sup>35</sup> the Commission adopted rules to expedite the processing of eligible facilities requests, including documentation requirements and a 60-day period for states and localities to review such requests.<sup>36</sup> The Commission further determined that a “deemed granted” remedy was necessary for cases in which the reviewing authority fails to issue a decision within the 60-day period in order to “ensur[e] rapid deployment of commercial and public safety wireless broadband services.”<sup>37</sup> The Fourth Circuit, affirming that remedy, explained that “[f]unctionally, what has occurred here is that the FCC—pursuant to properly delegated Congressional authority—has preempted state regulation of wireless towers.”<sup>38</sup>

21. Consistent with these broad federal mandates, courts have recognized that the Commission has authority to interpret Sections 253 and 332 of the Act to further elucidate what types of state and local legal requirements run afoul of the statutory parameters Congress established.<sup>39</sup> For instance, the Fifth Circuit affirmed the *2009 Declaratory Ruling in City of Arlington*. The court concluded that the Commission possessed the “authority to establish the 90- and 150-day time frames” and that its decision was not arbitrary and capricious.<sup>40</sup> More generally, as the agency charged with administering the Communications Act, the Commission has the authority, responsibility, and expert judgement to issue interpretations of the statutory language and to adopt implementing regulations that clarify and specify the scope and effect of the Act. Such interpretations are particularly appropriate where the statutory language is ambiguous, or the subject matter is “technical, complex, and dynamic,” as it is in the Communications Act, as recognized by the Supreme Court.<sup>41</sup> Here, the Commission has ample experience monitoring and regulating the telecommunications sector. It is well-positioned, in light of this experience and the record in this proceeding, to issue a clarifying interpretation of Sections 253 and 332(c)(7) that accounts both for the changing needs of a dynamic wireless sector that is increasingly reliant on Small Wireless Facilities and for state and local oversight that does not materially inhibit wireless deployment.

22. The congressional and FCC decisions described above point to consistent federal action, particularly when faced with changes in technology, to ensure that our country’s approach to wireless infrastructure deployment promotes buildout of the facilities needed to provide Americans with next-generation services. Consistent with that long-standing approach, in the *2017 Wireless Infrastructure NPRM/NOI*, the Commission sought comment on whether the FCC should again update its approach to infrastructure deployment to ensure that regulations are not operating as prohibitions in violation of Congress’s decisions and federal policy.<sup>42</sup> In August 2018, the Commission concluded that state and local moratoria on telecommunications services and facilities deployment are barred by Section 253(a).<sup>43</sup>

---

<sup>35</sup> *2014 Wireless Infrastructure Order*, 29 FCC Rcd at 12872, para. 15.

<sup>36</sup> *Id.* at 12922, 12956-57, paras. 135, 214-15.

<sup>37</sup> *Id.* at 12961-62, paras. 226, 228.

<sup>38</sup> *Montgomery County*, 811 F.3d at 129.

<sup>39</sup> See, e.g., *City of Arlington*, 668 F.3d at 253-54; *County of San Diego*, 543 F.3d at 578; *RT Commc’ns., Inc. v. FCC*, 201 F.3d 1264, 1268 (10th Cir. 2000).

<sup>40</sup> *City of Arlington*, 668 F.3d at 254, 260-61.

<sup>41</sup> *Nat’l Cable & Telecomm. Ass’n v. Gulf Power Co.*, 534 U.S. 327, 328 (2002); *FDA v. Brown & Williamson Tobacco Corp.*, 529 U.S. 120 (2000) (recognizing “agency’s greater familiarity with the ever-changing facts and circumstances surrounding the subjects regulated”); see also, e.g., *Nat’l Cable & Telecomm. Ass’n v. Brand X Internet Servs.*, 545 U.S. 967, 983-986 (2005) (Commission’s interpretation of an ambiguous statutory provision overrides earlier court decisions interpreting the same provision).

<sup>42</sup> See generally *Wireless Infrastructure NPRM/NOI*, 32 FCC Rcd at 3332-39, paras. 4-22.

<sup>43</sup> See generally *Moratoria Declaratory Ruling*, FCC 18-111, paras. 140-68.

## B. The Need for Commission Action

23. In response to the opportunities presented by offering new wireless services, and the problems facing providers that seek to deploy networks to do so, we find it necessary and appropriate to exercise our authority to interpret the Act and clarify the preemptive scope that Congress intended. The introduction of advanced wireless services has already revolutionized the way Americans communicate and transformed the U.S. economy. Indeed, the FCC's most recent wireless competition report indicates that American demand for wireless services continues to grow exponentially. It has been reported that monthly data usage per smartphone subscriber rose to an average of 3.9 gigabytes per subscriber per month, an increase of approximately 39 percent from year-end 2015 to year-end 2016.<sup>44</sup> As more Americans use more wireless services, demand for new technologies, coverage and capacity will necessarily increase, making it critical that the deployment of wireless infrastructure, particularly Small Wireless Facilities, not be stymied by unreasonable state and local requirements.

24. 5G wireless services, in particular, will transform the U.S. economy through increased use of high-bandwidth and low-latency applications and through the growth of the Internet of Things.<sup>45</sup> While the existing wireless infrastructure in the U.S. was erected primarily using macro cells with relatively large antennas and towers, wireless networks increasingly have required the deployment of small cell systems to support increased usage and capacity. We expect this trend to increase with next-generation networks, as demand continues to grow, and providers deploy 5G service across the nation.<sup>46</sup> It is precisely “[b]ecause providers will need to deploy large numbers of wireless cell sites to meet the country’s wireless broadband needs and implement next-generation technologies” that the Commission has acknowledged “an urgent need to remove any unnecessary barriers to such deployment, whether caused by Federal law, Commission processes, local and State reviews, or otherwise.”<sup>47</sup> As explained below, the need to site so many more 5G-capable nodes leaves providers’ deployment plans and the underlying economics of those plans vulnerable to increased per site delays and costs.

25. Some states and local governments have acted to facilitate the deployment of 5G and other next-gen infrastructure, looking to bring greater connectivity to their communities through forward-looking policies. Leaders in these states are working hard to meet the needs of their communities and balance often competing interests. At the same time, outlier conduct persists. The record here suggests that the legal requirements in place in other state and local jurisdictions are materially impeding that deployment in various ways.<sup>48</sup> Crown Castle, for example, describes “excessive and unreasonable” “fees

---

<sup>44</sup> See *Implementation of Section 6002(b) of the Omnibus Budget Reconciliation Act of 1993 Annual Report and Analysis of Competitive Market Conditions with Respect to Mobile Wireless, Including Commercial Mobile Services*, Twentieth Report, 32 FCC Rcd 8968, 8972, para. 20 (2017) (*Twentieth Wireless Competition Report*).

<sup>45</sup> See *Wireless Infrastructure NPRM/NOI*, 32 FCC Rcd at 3331, para. 1.

<sup>46</sup> See, e.g., Letter from Brett Haan, Principal, Deloitte Consulting, U.S., to Marlene H. Dortch, Secretary, FCC, WT Docket No. 17-79 at 2 (filed Sept. 17, 2018) (“Significant investment in new network infrastructure is needed to deploy 5G networks at-scale in the United States. 5G’s speed and coverage capabilities rely on network densification, which requires the addition of towers and small cells to the network. . . . This requires carriers to add 3 to 10 times the number of existing sites to their networks. Most of this additional infrastructure will likely be built with small cells that use lampposts, utility poles, or other structures of similar size able to host smaller, less obtrusive radios required to build a densified network.” (citation omitted)); see also Deloitte LLP, 5G: The Chance to Lead for a Decade (2018) (Deloitte 5G Paper), available at <https://www2.deloitte.com/content/dam/Deloitte/us/Documents/technology-media-telecommunications/us-tmt-5gdeployment-imperative.pdf>.

<sup>47</sup> See *Wireless Infrastructure NPRM/NOI*, 32 FCC Rcd at 3331, para. 2.

<sup>48</sup> See, e.g., Letter from Henry Hultquist, AT&T, to Marlene H. Dortch, Secretary, FCC, WT Docket No. 17-79, at 1 (filed Aug. 10, 2018) (“Unfortunately, many municipalities are unable, unwilling, or do not make it a priority to act on applications within the shot clock period.”); Letter from Keith Buell, Sprint, to Marlene H. Dortch, Secretary, FCC, WT Docket No. 17-79, at 1-2 (filed Aug. 13, 2018) (Sprint Aug. 13, 2018 *Ex Parte* Letter); Letter from Katherine R. Saunders, Verizon, to Marlene H. Dortch, Secretary, FCC, WT Docket No. 17-79, at 2 (filed June 21,

to access the [rights-of-way] that are completely unrelated to their maintenance or management.” It also points to barriers to market entry “for independent network and telecommunications service providers,” including municipalities that “restric[t] access to the [right-of-way] only to providers of commercial mobile services” or that impose “onerous zoning requirements on small cell installations when other similar [right of way] utility installations are erected with simple building permits.”<sup>49</sup> Crown Castle is not alone in describing local regulations that slow deployment. AT&T states that localities in Maryland, California, and Massachusetts have imposed fees so high that it has had to pause or decrease deployments.<sup>50</sup> Likewise, AT&T states that a Texas city has refused to allow small cell placement on any structures in a right-of-way (ROW).<sup>51</sup> T-Mobile states that the Town of Hempstead, New York requires service providers who seek to collocate or upgrade equipment on existing towers that have been properly constructed pursuant to Class II standards to upgrade and certify these facilities under Class III standards that apply to civil and national defense and military facilities.<sup>52</sup> Verizon states that a Minnesota town has proposed barring construction of new poles in rights-of-way and that a Midwestern suburb where it has been trying to get approval for small cells since 2014 has no established procedures for small cell approvals.<sup>53</sup> Verizon states that localities in New York and Washington have required special use permits involving multiple layers of approval to locate small cells in some or all zoning districts.<sup>54</sup> While some localities dispute some of these characterizations, their submissions do not persuade us that there is no basis or need for the actions we take here.

26. Further, the record in this proceeding demonstrates that many local siting authorities are not complying with our existing Section 332 shot clock rules.<sup>55</sup> WIA states that its members routinely face lengthy delays and specifically cite localities in New Jersey, New Hampshire, and Maine as being

(Continued from previous page)

2018) (“[L]ocal permitting delays continue to stymie deployments.”); Letter from Kenneth J. Simon, Crown Castle, to Marlene H. Dortch, FCC, WT Docket No. 17-79 (filed Aug. 10, 2018); Letter from Scott K. Bergmann, Senior Vice President, Regulatory Affairs, CTIA, to Marlene H. Dortch, Secretary, FCC, WT Docket No. 17-79, at 1 (filed Aug. 30, 2018) (CTIA Aug. 30, 2018 *Ex Parte* Letter).

<sup>49</sup> Crown Castle Comments at 7; *see also* Letter from Kenneth J. Simon, Senior Vice President and General Counsel, Crown Castle International Corp., to Marlene H. Dortch, Secretary, FCC, WT Docket No. 17-79 at 1-2 (filed Sept. 19, 2018) (“In Hillsborough, California, Crown Castle submitted applications covering 16 nodes, and was assessed \$60,000 in application fees. Not only did Hillsborough go on to deny these applications, following that denial it also then sent Crown Castle an invoice for an additional \$351,773 (attached as Exhibit A), most of which appears to be related to outside counsel fees—all for equipment that was not approved and has not yet been constructed.”).

<sup>50</sup> Letter from Henry Hultquist, Vice President, Federal Regulatory, AT&T, to Marlene H. Dortch, Secretary, FCC, WT Docket No. 17-79 at 2 (filed Aug. 6, 2018) (AT&T Aug. 6, 2018 *Ex Parte* Letter).

<sup>51</sup> AT&T Comments at 6-7.

<sup>52</sup> T-Mobile Reply Comments at 7-9; *see also* CCA Reply Comments at 12; CTIA Reply Comments at 18; WIA Reply Comments at 22-23.

<sup>53</sup> *See* Verizon Comments at 7.

<sup>54</sup> *See* Verizon Comments at 35.

<sup>55</sup> *See, e.g.*, T-Mobile Comments at 8 (stating that “roughly 30% of all of its recently proposed sites (including small cells) involve cases where the locality failed to act in violation of the shot clocks.”). According to WIA, one of its members “reports that 70% of its applications to deploy Small Wireless Facilities in the public ROWs during a two-year period exceeded the 90-day shot clock for installation of Small Wireless Facilities on an existing utility pole, and 47% exceeded the 150-day shot clock for the construction of new towers.” WIA Comments at 7. A New Jersey locality took almost five years to deny a Sprint application. *See Sprint Spectrum L.P. v. Zoning Bd. of Adjustment of the Borough of Paramus, N.J.*, 21 F. Supp. 3d 381, 383, 387 (D.N.J. 2014), *aff’d*, 606 Fed. Appx. 669 (3d Cir. 2015). Another locality took almost three years to deny a Crown Castle application to install a DAS system. *See Crown Castle NG East, Inc. v. Town of Greenburgh*, 2013 WL 3357169, \*6-8 (S.D.N.Y. 2013), *aff’d*, 552 Fed. Appx. 47 (2d Cir. 2014).

problematic.<sup>56</sup> Similarly, AT&T identified an instance in which it took a locality in California 800 days to process an application.<sup>57</sup> GCI provides an example in which it took an Alaska locality nine months to decide an application.<sup>58</sup> T-Mobile states that a community in Colorado and one in California have lengthy pre-application processes for all small cell installations that include notification to all nearby households, a public meeting, and the preparation of a report, none of which these jurisdictions view as triggering a shot clock.<sup>59</sup> Similarly, Lighttower provides examples of long delays in processing siting applications.<sup>60</sup> Finally, Crown Castle describes a case in which a “town took approximately two years and nearly twenty meetings, with constantly shifting demands, before it would even ‘deem complete’ Crown Castle’s application.”<sup>61</sup>

27. Our Declaratory Ruling and Third Report and Order are intended to address these issues and outlier conduct. Our conclusions are also informed by findings, reports, and recommendations from the FCC Broadband Deployment Advisory Committee (BDAC), including the Model Code for Municipalities, the Removal of State and Local Regulatory Barriers Working Group report, and the Rates and Fees Ad Hoc Working Group report, which the Commission created in 2017 to identify barriers to deployment of broadband infrastructure, many of which are addressed here.<sup>62</sup> We also considered input from numerous state and local officials about their concerns, and how they have approached wireless deployment, much of which we took into account here. Our action is also consistent with congressional efforts to hasten deployment, including bi-partisan legislation pending in Congress like the STREAMLINE Small Cell Deployment Act and SPEED Act. The STREAMLINE Small Cell Deployment Act proposes to streamline wireless infrastructure deployments by requiring siting agencies to act on deployment requests within specified time frames and by limiting the imposition of onerous

---

<sup>56</sup> WIA Comments at 8. WIA states that one of its “member reports that the wireless siting approval process exceeds 90 days in more than 33% of jurisdictions it surveyed and exceeds 150 days in 25% of surveyed jurisdictions.” WIA Comments at 8. In some cases, WIA members have experienced delays ranging from one to three years in multiple jurisdictions—significantly longer than the 90- and 150-day time frames that the Commission established in 2009.

<sup>57</sup> See WIA Comments at 9 (citing and discussing AT&T’s Comments in the 2016 Streamlining Public Notice, WT Docket No. 16-421).

<sup>58</sup> GCI Comments at 5-6.

<sup>59</sup> T-Mobile Comments at 21.

<sup>60</sup> Lighttower submits that average processing timeframes have increased from 300 days in 2016 to approximately 570 days in 2017, much longer than the Commission’s shot clocks. Lighttower states that “forty-six separate jurisdictions in the last two years had taken longer than 150 days to consider applications, with twelve of those jurisdictions—representing 101 small wireless facilities—taking more than a year.” Lighttower Comments at 5-6. See also WIA Comments at 9 (citing and discussing Lighttower’s Comments in the 2016 Streamlining Public Notice, WT Docket No. 16-421).

<sup>61</sup> WIA Comments at 8 (citing and discussing Crown Castle’s Comments in 2016 Streamlining Public Notice, WT Docket No. 16-421).

<sup>62</sup> BDAC Report of the Removal of State and Local Regulatory Barriers Working Group, <https://www.fcc.gov/sites/default/files/bdac-regulatorybarriers-01232018.pdf> (approved by the BDAC on January 23, 2018) (BDAC Regulatory Barriers Report); Draft Final Report of the Ad Hoc Committee on Rates and Fees to the BDAC, <https://www.fcc.gov/sites/default/files/bdac-07-2627-2018-rates-fees-wg-report-07242018.pdf> (July 26, 2018) (Draft BDAC Rates and Fees Report); BDAC Model Municipal Code (Harmonized), <https://www.fcc.gov/sites/default/files/bdac-07-2627-2018-harmonization-wg-model-code-muni.pdf> (approved July 26, 2018) (BDAC Model Municipal Code). The Draft Final Report of the Ad Hoc Committee on Rates and Fees to the BDAC was presented to the BDAC on July 26, 2018 but has not been voted by the BDAC as of the adoption of this Declaratory Ruling. Certain members of the Removal of State and Local Barriers Working Group also submitted a minority report disagreeing with certain findings in the BDAC Regulatory Barriers Report. See Minority Report Submitted by McAllen, TX, San Jose, CA, and New York, NY, GN Docket No. 17-83 (Jan 23, 2018); Letter from Kevin Pagan, City Attorney of McAllen to Marlene Dortch, Secretary, FCC (filed September 14, 2018).

conditions and fees.<sup>63</sup> The SPEED Act would similarly streamline federal permitting processes.<sup>64</sup> In the same vein, the Model Code for Municipalities adopts streamlined infrastructure siting requirements while other BDAC reports and recommendations emphasize the negative impact of high fees on infrastructure deployments.<sup>65</sup>

28. As do members of both parties of Congress and experts on the BDAC, we recognize the urgent need to streamline regulatory requirements to accelerate the deployment of wireless infrastructure for current needs and for the next generation of wireless service in 5G.<sup>66</sup> State government officials also have urged us to act to expedite the deployment of 5G technology, in particular, by streamlining overly burdensome regulatory processes to ensure that 5G technology will expand beyond just urban centers. These officials have expressed their belief that reducing high regulatory costs and delays in urban areas would leave more money and encourage development in rural areas.<sup>67</sup> “[G]etting [5G] infrastructure out in a timely manner can be a challenge that involves considerable time and financial resources. The solution is to streamline relevant policies—allowing more modern rules for modern infrastructure.”<sup>68</sup> State officials have acknowledged that current regulations are “outdated” and “could hinder the timely arrival of 5G throughout the country,” and urged the FCC “to push for more reforms that will streamline infrastructure rules from coast to coast.”<sup>69</sup> Although many states and localities support our efforts, we acknowledge that there are others who advocated for different approaches, arguing, among other points,

---

<sup>63</sup> See, e.g., STREAMLINE Small Cell Deployment Act, S.3157, 115th Congress (2017-2018).

<sup>64</sup> See, e.g., Streamlining Permitting to Enable Efficient Deployment of Broadband Infrastructure Act of 2017 (SPEED Act), S. 1988, 115th Cong. (2017).

<sup>65</sup> See BDAC Model Municipal Code; Draft BDAC Rates and Fees Report; BDAC Regulatory Barriers Report.

<sup>66</sup> See, e.g., Letter from Patricia Paoletta, Counsel to Deloitte Consulting LLP, to Marlene H. Dortch, Secretary, FCC, WT Docket No. 17-79 at 1 (filed Sept. 20, 2018) (“Deloitte noted that, as with many technology standard evolutions, the value of being a first-mover in 5G will be significant. Being first to LTE afforded the United States macroeconomic benefits, as it became a test bed for innovative mobile, social, and streaming applications. Being first to 5G can have even greater and more sustained benefits to our national economy given the network effects associated with adding billions of devices to the 5G network, enabling machine-to-machine interactions that generates data for further utilization by vertical industries”).

<sup>67</sup> Letter from Montana State Senator Duane Ankney to Marlene H. Dortch, Secretary, FCC, WT Docket 17-79, at 1 (filed July 31, 2018) (Duane Ankney July 31, 2018 *Ex Parte* Letter); Letter from Fred A. Lamphere, Butte County Sheriff, to the Hon. Brendan Carr, Commissioner, FCC, WT Docket No. 17-79 at 1 (filed Sept. 11, 2018) (Fred A. Lamphere Sept. 11, 2018 *Ex Parte* Letter); Letter from Todd Nash, Susan Roberts, Paul Catstilleja, Wallowa County Board of Commissioners, to Marlene H. Dortch, Secretary, FCC, WT Docket No. 17-79 at 2 (filed Aug. 20, 2018); Letter from Lonnie Gilbert, First Responder, National Black Growers Council Member, to the Hon. Brendan Carr, Commissioner, FCC, WT Docket No. 17-79 at 1 (filed Sept. 12, 2018); Letter from Jason R. Saine, North Carolina House of Representatives, to the Hon. Brendan Carr, Commissioner, FCC, WT Docket No. 17-79, at 1 (filed Sept. 14, 2018) (Jason R. Saine Sept. 14, 2018 *Ex Parte* Letter) (minimal regulatory standard across the United States is critical to ensure that the United States wins the race to the 5G economy).

<sup>68</sup> Letter from LaWana Mayfield, City Council Member, Charlotte, NC, to Marlene H. Dortch, Secretary, FCC, WT Docket 17-79, at 1 (filed July 31, 2018) (LaWana Mayfield July 31, 2018 *Ex Parte* Letter); see also Letter from South Carolina State Representative Terry Alexander to Marlene H. Dortch, Secretary, FCC, WT Docket 17-79, at 1 (filed August 7, 2018) (“[P]olicymakers at all levels of government must streamline complex siting stipulations that will otherwise slow down 5G buildout for small cells in particular.”); Letter from Sal Pace, Pueblo County Commissioner, District 3, CO, to Marlene H. Dortch, Secretary, FCC, WT Docket 17-79, at 1 (filed July 30, 2018) (Sal Pace July 30, 2018 *Ex Parte* Letter) (“[T]he FCC should ensure that localities are fully compensated for their costs . . . Such fees should be reasonable and non-discriminatory, and should ensure that localities are made whole. Lastly, the FCC should set reasonable and enforceable deadlines for localities to act on wireless permit applications. . . . The distinction between siting large macro-towers and small cells should be reflected in any rulemaking.”)

<sup>69</sup> Letter from Dr. Carolyn A. Prince, Chairwoman, Marlboro County Council, SC, to Marlene H. Dortch, Secretary, FCC, WT Docket 17-79, at 1 (filed July 31, 2018) (Dr. Carolyn Prince July 31, 2018 *Ex Parte* Letter)



that the FCC lacks authority to take certain actions.<sup>70</sup> We have carefully considered these views, but nevertheless find our actions here necessary and fully supported.

29. Accordingly, in this Declaratory Ruling and Third Report and Order, we act to reduce regulatory barriers to the deployment of wireless infrastructure and to ensure that our nation remains the leader in advanced wireless services and wireless technology.

### III. DECLARATORY RULING

30. In this Declaratory Ruling, we note that a number of appellate courts have articulated different and often conflicting views regarding the scope and nature of the limits Congress imposed on state and local governments through Sections 253 and 332. In light of these diverging views, Congress's vision for a consistent, national policy framework, and the need to ensure that our approach continues to make sense in light of the relatively new trend towards the large-scale deployment of Small Wireless Facilities, we take this opportunity to clarify and update the FCC's reading of the limits Congress imposed. We do so in three main respects.

31. First, in Part III.A, we express our agreement with the views already stated by the First, Second, and Tenth Circuits that the "materially inhibit" standard articulated in 1997 by the Clinton-era FCC's *California Payphone* decision is the appropriate standard for determining whether a state or local law operates as a prohibition or effective prohibition within the meaning of Sections 253 and 332.

32. Second, in Part III.B, we note, as numerous courts have recognized, that state and local fees and other charges associated with the deployment of wireless infrastructure can effectively prohibit the provision of service. At the same time, courts have articulated various approaches to determining the types of fees that run afoul of Congress's limits in Sections 253 and 332. We thus clarify the particular standard that governs the fees and charges that violate Sections 253 and 332 when it comes to the Small Wireless Facilities at issue in this decision. Namely, fees are only permitted to the extent that they represent a reasonable approximation of the local government's objectively reasonable costs, and are non-discriminatory.<sup>71</sup> In this section, we also identify specific fee levels for the deployment of Small Wireless Facilities that presumptively comply with this standard. We do so to help avoid unnecessary litigation, while recognizing that it is the standard itself, not the particular, presumptive fee levels we articulate, that ultimately will govern whether a particular fee is allowed under Sections 253 and 332. So fees above

---

<sup>70</sup> See, e.g., *City of Manhattan*, KS Sept. 13, 2018 *Ex Parte* Letter at 1-2; Ronny Berdugo Sept. 18, 2018 *Ex Parte* Letter at 1-2; Damon Connolly Sept. 17, 2018 *Ex Parte* Letter at 1-2.

<sup>71</sup> Fees charged by states or localities in connection with Small Wireless Facilities would be "compensation" for purposes of Section 253(c). This Declaratory Ruling interprets Section 253 and 332(c)(7) in the context of three categories of fees, one of which applies to all deployments of Small Wireless Facilities while the other two are specific to Small Wireless Facilities deployments inside the ROW. (1) "Event" or "one-time" fees are charges that providers pay on a non-recurring basis in connection with a one-time event, or series of events occurring within a finite period. The one-time fees addressed in this Declaratory Ruling are not specific to the ROW. For example, a provider may be required to pay fees during the application process to cover the costs related to processing an application building or construction permits, street closures, or a permitting fee, whether or not the deployment is in the ROW. (2) Recurring charges for a Small Wireless Facility's use of or attachment to property inside the ROW owned or controlled by a state or local government, such as a light pole or traffic light, is the second category of fees addressed here, and is typically paid on a per structure/per year basis. (3) Finally, ROW access fees are recurring charges that are assessed, in some instances, to compensate a state or locality for a Small Wireless Facility's access to the ROW, which includes the area on, below, or above a public roadway, highway, street, sidewalk, alley, utility easement, or similar property (including when such property is government-owned). A ROW access fee may be charged even if the Small Wireless Facility is not using government owned property within the ROW. AT&T Comments at 18 (describing three categories of fees); Letter from Tamara Preiss, Vice President, Federal Regulatory and Legal Affairs, Verizon, to Marlene H. Dortch, Secretary, FCC, WT Docket No. 17-79, Attach. at 11 (filed Aug. 10, 2018) (Verizon Aug. 10, 2018 *Ex Parte* Letter) (characterizing fees as recurring or non-recurring); see also Draft BDAC Rates and Fees Report at p. 15-16. Unless otherwise specified, a reference to "fee" or "fees" herein refers to any one of, or any combination of, these three categories of charges.

those levels would be permissible under Sections 253 and 332 to the extent a locality's actual, reasonable costs (as measured by the standard above) are higher.

33. Finally, in Part III.C, we focus on a subset of other, non-fee provisions of state and local law that could also operate as prohibitions on service. We do so in particular by addressing state and local consideration of aesthetic concerns in the deployment of Small Wireless Facilities. We note that the Small Wireless Facilities that are the subject of this Declaratory Ruling remain subject to the Commission's rules governing Radio Frequency (RF) emissions exposure.<sup>72</sup>

**A. Overview of the Section 253 and Section 332(c)(7) Framework Relevant to Small Wireless Facilities Deployment**

34. In Sections 253(a) and 332(c)(7)(B) of the Act, Congress determined that state or local requirements that prohibit or have the effect of prohibiting the provision of service are unlawful and thus preempted.<sup>73</sup> Section 253(a) addresses "any interstate or intrastate telecommunications service," while Section 332(c)(7)(B)(i)(II) addresses "personal wireless services."<sup>74</sup> Although the provisions contain identical "effect of prohibiting" language, the Commission and different courts over the years have each employed inconsistent approaches to deciding what it means for a state or local legal requirement to have the "effect of prohibiting" services under these two sections of the Act. This has caused confusion among both providers and local governments about what legal requirements are permitted under Sections 253 and 332(c)(7). For example, despite Commission decisions to the contrary construing such language under Section 253, some courts have held that a denial of a wireless siting application will "prohibit or have the effect of prohibiting" the provision of a personal wireless service under Section 332(c)(7)(B)(i)(II) only if the provider can establish that it has a significant gap in service coverage in the

---

<sup>72</sup> See 47 CFR §§ 1.1307, 1.1310. We disagree with commenters who oppose the Declaratory Ruling on the basis of concerns regarding RF emissions. See, e.g., Comments from Judy Aizuss, Comments from Jeffrey Arndt, Comments from Jeanice Barcelo, Comments from Kristin Beatty, Comments from James M. Benster, Comments from Terrie Burns, Comments from EMF Safety Network, Comments from Kate Reese Hurd, Comments from Marilynne Martin, Comments from Lisa Mayock, Comments from Kristen Moriarty Termunde, Comments from Sage Associates, Comments from Elizabeth Shapiro, Comments from Paul Silver, Comments from Natalie Ventrice. The Commission has authority to adopt and enforce RF exposure limits, and nothing in this Declaratory Ruling changes the applicability of the Commission's existing RF emissions exposure rules. See, e.g., Section 704(b) of the Telecommunications Act of 1996, Pub. L. No. 104-104 (directing Commission to "prescribe and make effective rules regarding the environmental effects of radio frequency emissions" upon completing action in then-pending rulemaking proceeding that included proposals for, *inter alia*, maximum exposure limits); 47 U.S.C. § 332(c)(7)(B)(iv) (recognizing legitimacy of FCC's existing regulations on environmental effects of RF emissions of personal wireless service facilities, by proscribing state and local regulation of such facilities on the basis of such effects, to the extent such facilities comply with Commission regulations concerning such RF emissions); 47 U.S.C. § 151 (creating the FCC "[f]or the purpose of regulating interstate and foreign commerce in communication by wire and radio so as to make available, so far as possible, to all the people of the United States, . . . a rapid, efficient, Nation-wide, and world-wide wire and radio communication service, . . . for the purpose of [*inter alia*] promoting safety of life and property through the use of wire and radio communications"). See also H.R. Rep. No. 204(I), 104th Cong., 1st Sess. 94 (1995), reprinted in 1996 U.S.C.C.A.N. 10, 61 (1996) (in legislative history of Section 704 of 1996 Telecommunications Act, identifying "adequate safeguards of the public health and safety" as part of a framework of uniform, nationwide RF regulations); ; *Reassessment of FCC Radiofrequency Exposure Limits and Policies*, First Report and Order, Further Notice of Proposed Rulemaking and Notice of Inquiry, 28 FCC Rcd 3498, 3530-31, para. 103, n.176 (2013).

<sup>73</sup> 47 U.S.C. §§ 253(a), 332(c)(7)(B)(i)(II).

<sup>74</sup> *Id.* The actions in this proceeding update the FCC's approach to Sections 253 and 332 by addressing effective prohibitions that apply to the deployment of services covered by those provisions. Our interpretations in this proceeding do not provide any basis for increasing the regulation of services deployed consistent with Section 621 of the Cable Communications Policy Act of 1984.

area and a lack of feasible alternative locations for siting facilities.<sup>75</sup> Other courts have held that evidence of an already-occurring or complete inability to offer a telecommunications service is required to demonstrate an effective prohibition under Section 253(a).<sup>76</sup> Conversely, still other courts like the First, Second, and Tenth Circuits have endorsed prior Commission interpretations of what constitutes an effective prohibition under Section 253(a) and recognized that, under that analytical framework, a legal requirement can constitute an effective prohibition of services even if it is not an insurmountable barrier.<sup>77</sup>

35. In this Declaratory Ruling, we first reaffirm, as our definitive interpretation of the effective prohibition standard, the test we set forth in *California Payphone*, namely, that a state or local legal requirement constitutes an effective prohibition if it “materially limits or inhibits the ability of any competitor or potential competitor to compete in a fair and balanced legal and regulatory environment.”<sup>78</sup> We then explain how this “material inhibition” standard applies in the context of state and local fees and aesthetic requirements. In doing so, we confirm the First, Second, and Tenth Circuits’ understanding that under this analytical framework, a legal requirement can “materially inhibit” the provision of services even if it is not an insurmountable barrier.<sup>79</sup> We also resolve the conflicting court interpretations of the

<sup>75</sup> Courts vary widely regarding the type of showing needed to satisfy the second part of that standard. The First, Fourth, and Seventh Circuits have imposed a “heavy burden” of proof on applicants to establish a lack of alternative feasible sites, requiring them to show “not just that *this* application has been rejected but that further reasonable efforts to find another solution are so likely to be fruitless that it is a waste of time even to try.” *Green Mountain Realty Corp. v. Leonard*, 750 F.3d 30, 40 (1st Cir. 2014); *accord New Cingular Wireless PCS, LLC v. Fairfax County*, 674 F.3d 270, 277 (4th Cir. 2012); *T-Mobile Northeast LLC v. Fairfax County*, 672 F.3d 259, 266-68 (4th Cir. 2012) (*en banc*); *Helcher v. Dearborn County*, 595 F.3d 710, 723 (7th Cir. 2010) (*Helcher*). The Second, Third, and Ninth Circuits have held that an applicant must show only that its proposed facilities are the “least intrusive means” for filling a coverage gap in light of the aesthetic or other values that the local authority seeks to serve. *Sprint Spectrum, LP v. Willoth*, 176 F.3d 630, 643 (2d Cir. 1999) (*Willoth*); *APT Pittsburgh Ltd. P’ship v. Penn Township*, 196 F.3d 469, 480 (3d Cir. 1999) (*APT*); *American Tower Corp. v. City of San Diego*, 763 F.3d 1035, 1056-57 (9th Cir. 2014); *T-Mobile USA, Inc. v. City of Anacortes*, 572 F.3d 987, 995-99 (9th Cir. 2009) (*City of Anacortes*).

<sup>76</sup> *See, e.g., County of San Diego*, 543 F.3d at 579-80; *Level 3 Commc’ns, LLC v. City of St. Louis*, 477 F.3d 528, 533-34 (8th Cir. 2007) (*City of St. Louis*).

<sup>77</sup> *See Puerto Rico Tel. Co. v. Municipality of Guayanilla*, 450 F.3d 9, 18 (1st Cir. 2006) (*Municipality of Guayanilla*); *TCG New York, Inc. v. City of White Plains*, 305 F.3d 67, 76 (2d Cir. 2002) (*City of White Plains*); *RT Communications v. FCC*, 201 F.3d 1264, 1268 (10th Cir. 2000) (“[Section] 253(a) forbids any statute which prohibits or has ‘the effect of prohibiting’ entry. Nowhere does the statute require that a bar to entry be insurmountable before the FCC must preempt it.”) (*RT Communications*) (*affirming Silver Star Tel. Co. Petition for Preemption and Declaratory Ruling*, 12 FCC Rcd 15639 (1997)).

<sup>78</sup> *California Payphone*, 12 FCC Rcd at 14206, para. 31. A number of circuit courts have cited *California Payphone* as the leading authority regarding the standard to be applied under Section 253(a). *See, e.g., County of San Diego*, 543 F.3d at 578; *City of St. Louis*, 477 F.3d at 533; *Municipality of Guayanilla*, 450 F.3d at 18; *Qwest Corp. v. City of Santa Fe*, 380 F.3d 1258, 1270 (10th Cir. 2004) (*City of Santa Fe*); *City of White Plains*, 305 F.3d at 76. Crown Castle argues that the Eighth and Ninth Circuit cited the FCC’s *California Payphone* decision, but read the standard in an overly narrow fashion. *See, e.g., Letter from Kenneth J. Simon, Senior Vice Pres. and Gen. Counsel, Crown Castle, et al., to Marlene H. Dortch, Secretary, FCC, WT Docket No. 17-79 at 12* (filed June 7, 2018) (Crown Castle June 7, 2018 *Ex Parte* Letter); *see also Smart Communities Comments at 60-61* (describing circuit split). Some commenters cite selected dictionary definitions or otherwise argue for a narrow definition of “prohibit.” *See, e.g., Smart Communities Reply at 53*. But because they do not go on to dispute the validity of the *California Payphone* standard that has been employed not only by the Commission but also many courts, those arguments do not persuade us to depart from the *California Payphone* standard here.

<sup>79</sup> *See, e.g., City of White Plains*, 305 F.3d at 76; *Municipality of Guayanilla*, 450 F.3d at 18; *see also, e.g., Crown Castle June 7, 2018 Ex Parte Letter at 12*. Because the clarifications in this order should reduce uncertainty regarding the application of these provisions for state and local governments as well as stakeholders, we are not persuaded by some commenters’ arguments that an expedited complaint process is required. *See, e.g., AT&T Comments at 28; CTIA Reply at 21*. We do not address, at this time, recently-filed petitions for reconsideration of our August 2018 *Moratoria Declaratory Ruling*. *See, e.g., Smart Communities Petition for Reconsideration, WC*

‘effective prohibition’ language so that continuing confusion on the meaning of Sections 253 and 332(c)(7) does not materially inhibit the critical deployments of Small Wireless Facilities and our nation’s drive to deploy 5G.<sup>80</sup>

36. As an initial matter, we note that our Declaratory Ruling applies with equal measure to the effective prohibition standard that appears in both Sections 253(a) and 332(c)(7).<sup>81</sup> This ruling is consistent with the basic canon of statutory interpretation that identical words appearing in neighboring provisions of the same statute generally should be interpreted to have the same meaning.<sup>82</sup> Moreover, both of these provisions apply to wireless telecommunications services<sup>83</sup> as well as to commingled services and facilities.<sup>84</sup>

(Continued from previous page)

Docket No. 17-84 & WT Docket No. 17-79 (filed Sept. 4, 2018); New York City Petition for Reconsideration, WC Docket No. 17-84 & WT Docket No. 17-79 (filed Sept. 4, 2018). Nor do we address requests for clarification and/or action on other issues raised in the record beyond those expressly discussed in this order. These other issues include arguments regarding other statutory interpretations that we do not address here. *See, e.g.*, CTIA Reply at 23 (raising broader questions about the precise interplay of Section 253 and Section 332(c)(7)); Crown Castle June 7, 2018 *Ex Parte* Letter at 16-17 (raising broader questions about the scope of “legal requirements” under Section 253(a)). Consequently, this order should not be read as impliedly taking a position on those issues.

<sup>80</sup> *See, e.g.*, Crown Castle June 7, 2018 *Ex Parte* Letter at 11-12 (arguing that “[d]espite the Commission’s efforts to define the boundaries of federal preemption under Section 253, courts have issued a number of conflicting decisions that have only served to confuse the preemption analysis under section 253” and that “the Commission should clarify that the *California Payphone* standard as interpreted by the First and Second Circuits is the appropriate standard going forward”); *see also* BDAC Regulatory Barriers Report at p. 9 (“The Commission should provide clarity on what actually constitutes an “excessive” fee for right-of-way access and use. The FCC should provide guidance on what constitutes a fee that is excessive and/or duplicative, and that therefore is not “fair and reasonable.” The Commission should specifically clarify that “fair and reasonable” compensation for right-of way access and use implies some relation to the burden of new equipment placed in the ROW or on the local asset, or some other objective standard.”). Because our decision provides clarity by addressing conflicting court decisions and reaffirming that the “materially inhibits” standard articulated in the Commission’s *California Payphone* decision is the appropriate standard for determining whether a state or local law operates as an effective prohibition within the meaning of Sections 253 and 332, we reject arguments that our action will increase conflicts and lead to more litigation. *See e.g.*, Letter from Michael Dylan Brennan, Mayor, City of University Heights, Ohio, to Marlene H. Dortch, Secretary, FCC, WT Docket No. 17-79, at 2 (filed Sept. 19, 2018) (stating that “...this framing and definition of effective prohibition opens local governments to the likelihood of more, not less, conflict and litigation over requirements for aesthetics, spacing, and undergrounding”).

<sup>81</sup> *See infra* Part III.A, B.

<sup>82</sup> *See County of San Diego*, 543 F.3d at 579 (“We see nothing suggesting that Congress intended a different meaning of the text ‘prohibit or have the effect of prohibiting’ in the two statutory provisions, enacted at the same time, in the same statute. \* \* \* \* As we now hold, the legal standard is the same under either [Section 253 or 332(c)(7)].”); *see also, e.g., Puerto Rico v. Franklin Cal. Tax-Free Trust*, 136 S. Ct. 1938, 1946 (citing *Sullivan v. Stroup*, 496 U.S. 478, 484 (1990) (reading same term used in different parts of the same Act to have the same meaning); *Northcross v. Board of Ed. of Memphis City Schools*, 412 U.S. 427, 428 (1973) (per curiam) (“[S]imilarity of language . . . is . . . a strong indication that the two statutes should be interpreted *pari passu*”); Verizon Comments at 9-10; AT&T Reply at 3-4; Crown Castle June 7, 2018 *Ex Parte* Letter at 15.

<sup>83</sup> Common carrier wireless services meet the definition of “telecommunications services,” and thus are within the scope of Section 253(a) of the Act. *See, e.g., Moratoria Declaratory Ruling*, FCC 18-111, para 142 n.523; *see also, e.g.,* League of Minnesota Cities Comments at 11; Verizon Reply at 9-10. While some commenters cite certain distinguishing factual characteristics between wireline and wireless services, the record does not reveal why those distinctions would be material to whether wireless telecommunications services are covered by Section 253 in the first instance. *See, e.g.,* City of San Antonio *et al.* Comments, Exh. A at 13; Virginia Joint Commenters Comments at 5, Exh. A at 45-46. To the contrary, Section 253(e) expressly preserves “application of section 332(c)(3) of this title to commercial mobile service providers” notwithstanding Section 253—a provision that would be meaningless if wireless telecommunications services already fell outside the scope of Section 253. 47 U.S.C. § 253(e). For this same reason, we also reject claims that the existence of certain protections for personal wireless services in Section 332(c)(7), or the phrase “nothing in this chapter” in Section 332(c)(7)(A), demonstrate that states’ or localities’

37. As explained in *California Payphone* and reaffirmed here, a state or local legal requirement will have the effect of prohibiting wireless telecommunications services if it materially inhibits the provision of such services. We clarify that an effective prohibition occurs where a state or local legal requirement materially inhibits a provider's ability to engage in any of a variety of activities related to its provision of a covered service.<sup>85</sup> This test is met not only when filling a coverage gap but also when densifying a wireless network, introducing new services or otherwise improving service

(Continued from previous page)

regulations affecting wireless telecommunications services must fall outside the scope of Section 253. *See, e.g.*, Virginia Joint Commenters Comments, Exh. A at iii, 45-46; Smart Communities Comments at 56. Even if, as some parties argue, the phrase "nothing in this chapter" could be construed as preserving state or local decisions on the placement, construction, or modification of personal wireless service facilities from preemption by other sections of the Communications Act, Section 332(c)(7)(A) goes on to make clear that such state or local decisions are *not* immune from preemption if they violate any of the standards set forth in Section 332(c)(7)(B)—including Section 332(c)(7)(B)(i)(II)'s ban of requirements that "prohibit or have the effect of prohibiting" the provision of service, which is identical to the preemption provision in Section 253(a). Thus, states and localities may charge fees and dispose of applications relating to the matters subject to Section 332(c)(7) in any manner they deem appropriate, so long as that conduct does not amount to a prohibition or effective prohibition, as interpreted in this Declaratory Ruling or otherwise run afoul of federal or state law; but because Sections 332(c)(7)(B)(i)(II) and 253(a) use identical "effective prohibition" language, the standard for what is saved and what is preempted is the same under both provisions.

<sup>84</sup> *See infra* para. 40 (discussing use of small cells to close coverage gaps, including voice gaps); *see also, e.g.*, *Moratoria Declaratory Ruling*, FCC 18-111, para 145 n.531; *Restoring Internet Freedom*, Declaratory Ruling, Report and Order, and Order, 33 FCC Red 311, 425, para. 190 (2018); Letter from Andre J. Lachance, Associate General Counsel, Verizon to Marlene H. Dortch, Secretary, FCC, WT Docket No. 17-79 at 3 (filed Sept. 19, 2018) (confirming that "telecommunications services can be provided over small cells and Verizon has deployed Small Wireless Facilities in its network that provide telecommunications services."); Letter from David M. Crawford, Senior Corporate Counsel, Fed. Reg. Affairs, T-Mobile, to Marlene H. Dortch, Secretary, FCC, WT Docket No. 17-79 at 1 (filed Sept. 19, 2018) (stating that "small wireless facilities are a critical component of T-Mobile's network deployment plans to support both the 5G evolution of wireless services, as well as more traditional services such as mobile broadband and even voice calls. T-Mobile, for example, uses small wireless facilities to densify our network to provide better coverage and greater capacity, and to provide traditional services such as voice calls in areas where our macro site coverage is insufficient to meet demand."); Letter from Henry G. Hultquist, Vice President, Federal Regulatory, AT&T, to Marlene H. Dortch, Secretary, FCC, WT Docket No. 17-79 at 1 (filed Sept. 20, 2018) ("AT&T has operated and continues to operate commercial mobile radio services as well as information services from small wireless facilities..."); *see also, e.g.*, *Coastal Communications Service v. City of New York*, 658 F. Supp. 2d 425, 441-42 (E.D.N.Y. 2009) (finding that a restriction on advertising on newly-installed payphones was subject to Section 253(a) where the advertising was a material factor in the provider's ability to provide the payphone service itself). The fact that facilities are sometimes deployed by third parties not themselves providing covered services also does not place such deployment beyond the purview of Section 253(a) or Section 332(c)(7)(B)(i) insofar as the facilities are used by wireless service providers on a wholesale basis to provide covered services (among other things). *See, e.g.*, T-Mobile Comments at 26. Given our conclusion that neither commingling of services nor the identity of the entity engaged in the deployment activity changes the applicability of Section 253(a) or Section 332(c)(7)(B)(i)(II) where the facilities are being used for the provisioning of services within the scope of the relevant statutory provisions, we reject claims to the contrary. *See, e.g.*, Colorado Communications and Utility Alliance *et al.* Comments at 15-16; City of San Antonio *et al.* Comments, Exh. A at 12; *id.*, Exh. C at 13-15. Because local jurisdictions do not have the authority to regulate these interstate services, there is no basis for local jurisdictions to conduct proceedings on the types of personal wireless services offered over particular wireless service facilities or the licensee's service area, which are matters within the Commission's licensing authority. Furthermore, local jurisdictions do not have the authority to require that providers offer certain types or levels of service, or to dictate the design of a provider's network. *See* 47 U.S.C. § 332(c)(3)(A); *see also Bastien v. AT&T Wireless Servs., Inc.*, 205 F.3d 983, 989 (7th Cir. 2000).

<sup>85</sup> By "covered service" we mean a telecommunications service or a personal wireless service for purposes of Section 253 and Section 332(c)(7), respectively.

capabilities.<sup>86</sup> Under the *California Payphone* standard, a state or local legal requirement could materially inhibit service in numerous ways—not only by rendering a service provider unable to provide an existing service in a new geographic area or by restricting the entry of a new provider in providing service in a particular area, but also by materially inhibiting the introduction of new services or the improvement of existing services. Thus, an effective prohibition includes materially inhibiting additional services or improving existing services.<sup>87</sup>

38. Our reading of Section 253(a) and Section 332(c)(7)(B)(i)(II) reflects and supports a marketplace in which services can be offered in a multitude of ways with varied capabilities and performance characteristics consistent with the policy goals in the 1996 Act and the Communications Act. To limit Sections 253(a) and 332(c)(7)(B)(i)(II) to protecting only against coverage gaps or the like would be to ignore Congress’s contemporaneously-expressed goals of “promot[ing] competition[,] . . . secur[ing] . . . higher quality services for American telecommunications consumers and encourage[ing] the rapid deployment of new telecommunications technologies.”<sup>88</sup> In addition, as the Commission recently explained, the implementation of the Act “must factor in the fundamental objectives of the Act, including the deployment of a ‘rapid, efficient . . . wire and radio communication service with adequate facilities at reasonable charges’ and ‘the development and rapid deployment of new technologies, products and services for the benefit of the public . . . without administrative or judicial delays[, and] efficient and

---

<sup>86</sup> See, e.g., Crown Castle Comments at 54-55; Free State Foundation Comments at 12; T-Mobile Comments at 43-45; CTIA Reply at 14; WIA Reply at 26; Crown Castle June 7, 2018 *Ex Parte* Letter at 13-14; Letter from Kara Romagnino Graves, Director, Regulatory Affairs, CTIA, to Marlene H. Dortch, Secretary, FCC, WT Docket No. 17-79, at 8-9 (filed June 27, 2018) (CTIA June 27, 2018 *Ex Parte* Letter). As T-Mobile explains, for example, a provider might need to improve “signal strength or system capacity to allow it to provide reliable service to consumers in residential and commercial buildings.” T-Mobile Comments at 43; see also, e.g., *Acceleration of Broadband Deployment by Improving Wireless Facilities Siting Policies*, WT Docket Nos. 13-238, et al., Notice of Proposed Rulemaking, 28 FCC Rcd 14238, 14253, para. 38 (2013) (observing that “DAS and small cell facilities[ ] are critical to satisfying demand for ubiquitous mobile voice and broadband services”). The growing prevalence of smart phones has only accelerated the demand for wireless providers to take steps to improve their service offerings. See, e.g., *Twentieth Wireless Competition Report*, 32 FCC Rcd at 9011-13, paras. 62-65.

<sup>87</sup> Our conclusion finds further support in our broad understanding of the statutory term “service,” which, as we explained in our recent *Moratoria Declaratory Ruling*, means “any covered service a provider wishes to provide, incorporating the abilities and performance characteristics it wishes to employ, including to provide existing services more robustly, or at a higher level of quality—such as through filling a coverage gap, densification, or otherwise improving service capabilities.” *Moratoria Declaratory Ruling*, FCC 18-111, para. 162 n.594; see also *Public Utility Comm’n of Texas Petition for Declaratory Ruling and/or Preemption of Certain Provisions of the Texas Public Utility Regulatory Act of 1995*, Memorandum Opinion and Order, 13 FCC Rcd 3460, 3496, para. 74 (1997) (*Texas PUC Order*) (interpreting the scope of ‘telecommunications services’ covered by Section 253(a) and clarifying that it would be an unlawful prohibition for a state or locality to specify “the means or facilities” through which a service provider must offer service); Crown Castle June 7, 2018 *Ex Parte* Letter at 10-11 (discussing this precedent). We find this interpretation of “service” warranted not only under Section 253(a), but Section 332(c)(7)(B)(i)(II)’s reference to “services” as well.

<sup>88</sup> Preamble to the Telecommunications Act of 1996, Pub. Law. No. 104-104, § 202, 110 Stat. 56 (1996). Consequently, we reject arguments suggesting that the provision of some level of wireless service in the past necessarily demonstrates that there is no effective prohibition of service under the state or local legal requirements that applied during those periods or that an effective prohibition only is present if a provider can provide no covered service whatsoever. See, e.g., City and County of San Francisco Comments at 25-26; Virginia Joint Commenters Comments, Exh. A at 31-33. Nor, in light of these goals, do we find it reasonable to interpret the protections of these provisions as doing nothing more than guarding against a monopoly as some suggest. See, e.g., Smart Communities Comments, WC Docket No. 17-84, at 8-9 (filed June 15, 2017) cited in Smart Communities Comments at 57 n.141.

intensive use of the electromagnetic spectrum.”<sup>89</sup> These provisions demonstrate that our interpretation of Section 253 and Section 332(c)(7)(B)(i)(II) is in accordance with the broader goals of the various statutes that the Commission is entrusted to administer.

39. *California Payphone* further concluded that providers must be allowed to compete in a “fair and balanced regulatory environment.”<sup>90</sup> As reflected in decisions such as the Commission’s *Texas PUC Order*, a state or local legal requirement can function as an effective prohibition either because of the resulting “financial burden” in an absolute sense, or, independently, because of a resulting competitive disparity.<sup>91</sup> We clarify that “[a] regulatory structure that gives an advantage to particular services or facilities has a prohibitory effect, even if there are no express barriers to entry in the state or local code; the greater the discriminatory effect, the more certain it is that entities providing service using the disfavored facilities will experience prohibition.”<sup>92</sup> This conclusion is consistent with both Commission and judicial precedent recognizing the prohibitory effect that results from a competitor being treated materially differently than similarly-situated providers.<sup>93</sup> We provide our authoritative interpretation below of the circumstances in which a “financial burden,” as described in the *Texas PUC Order*, constitutes an effective prohibition in the context of certain state and local fees.

40. As we explained above, we reject alternative readings of the effective prohibition language that have been adopted by some courts and used to defend local requirements that have the effect of prohibiting densification of networks. Decisions that have applied solely a “coverage gap”-based approach under Section 332(c)(7)(B)(i)(II) reflect both an unduly narrow reading of the statute and an outdated view of the marketplace.<sup>94</sup> Those cases, including some that formed the foundation for

<sup>89</sup> *Accelerating Wireless Broadband Deployment by Removing Barriers to Infrastructure Investment*, Second Report and Order, FCC 18-30, para. 62 (rel. Mar. 30, 2018) (*Wireless Infrastructure Second R&O*) (quoting 47 U.S.C. §§ 151, 309(j)(3)(A), (D)).

<sup>90</sup> *California Payphone*, 12 FCC Rcd at 14206, para. 31.

<sup>91</sup> *Texas PUC Order*, 13 FCC Rcd at 3466, 3498-500, paras. 13, 78-81; *see also, e.g.*, Crown Castle June 7, 2018 *Ex Parte* at 10-11, 13.

<sup>92</sup> Crown Castle June 7, 2018 *Ex Parte* Letter at 13.

<sup>93</sup> *See, e.g.*, *Texas PUC Order*, 13 FCC Rcd at 3466, 3498-500, paras. 13, 78-81; *Federal-State Joint Board on Universal Service; Western Wireless Corporation Petition for Preemption of an Order of the South Dakota Public Utilities*, Declaratory Ruling, 15 FCC Rcd 15168, 15173, paras. 12-13 (2000) (*Western Wireless Order*); *Pittencrieff Communications, Inc. Petition for Declaratory Ruling Regarding Preemption of the Texas Public Utility Regulatory Act of 1995*, Memorandum Opinion and Order, 13 FCC Rcd 1735, 1751-52, para. 32 (1997) (*Pittencrieff*), *aff’d*, *Cellular Telecomm. Indus. Ass’n v. FCC*, 168 F.3d 1332 (5th Cir. 1999); *City of White Plains*, 305 F.3d at 80.

<sup>94</sup> Smart Communities seeks clarification of whether this Declaratory Ruling is meant to say that the “coverage gap” standard followed by a number of courts should include consideration of capacity as well as coverage issues. Letter from Gerard Lavery Lederer, Counsel, Smart Communities and Special Districts Coalition, to Marlene H. Dortch, Secretary, FCC, WT Docket No. 17-79, Att. at 17 (Sept. 19, 2018) (Smart Communities Sept. 19 *Ex Parte* Letter). We are not holding that prior “coverage gap” analyses are consistent with the standards we articulate here as long as they also take into account “capacity gaps”; rather, we are articulating here the effective prohibition standard that should apply while, at the same time, noting one way in which prior approaches erred by requiring coverage gaps. Accordingly, we reject both the version of the “coverage gap” test followed by the First, Fourth, and Seventh Circuits (requiring applicants to show “not just that *this* application has been rejected but that further reasonable efforts to find another solution are so likely to be fruitless that it is a waste of time even to try”) and the version endorsed by the Second, Third, and Ninth Circuits (requiring applicants to show that the proposed facilities are the “least intrusive means” for filling a coverage gap) *See supra* n. 75. We also note that some courts have expressed concern about alternative readings of the statute that would lead to extreme outcomes—either always requiring a grant under some interpretations, or never preventing a denial under other interpretations. *See, e.g.*, *Willloth*, 176 F.3d at 639-41; *APT*, 196 F.3d at 478-79; *Town of Amherst v. Omnipoint Communications Enterprises, Inc.*, 173 F.3d 9, 14 (1st Cir. 1999); *AT&T Wireless PCS v. City Council of Virginia Beach*, 155 F.3d 423, 428 (4th Cir. 1998) (*City Council of Virginia Beach*); *see also, e.g.*, Greenling Comments at 2; City and County of San Francisco Reply

“coverage gap”-based analytical approaches, appear to view wireless service as if it were a single, monolithic offering provided only via traditional wireless towers.<sup>95</sup> By contrast, the current wireless marketplace is characterized by a wide variety of offerings with differing service characteristics and deployment strategies.<sup>96</sup> As Crown Castle explains, coverage gap-based approaches are “simply

(Continued from previous page) \_\_\_\_\_

at 16. Our interpretation avoids those concerns while better reflecting the text and policy goals of the Communications Act and 1996 Act than coverage gap-based approaches ultimately adopted by those courts. Our approach ensures meaningful constraints on state and local conduct that otherwise would prohibit or have the effect of prohibiting the provision of personal wireless services. At the same time, our standard does not preclude all state and local denials of requests for the placement, construction, or modification of personal wireless service facilities, as explained below. *See infra* III.B, C.

<sup>95</sup> *See, e.g., Willoth*, 176 F.3d at 641-44; *360 Degrees Commc’ns Co. v. Board of Supervisors of Albemarle County*, 211 F.3d 79, 86-88 & n.1 (4th Cir. 2000) (*Albemarle County*); *see also, e.g., ExteNet Comments* at 29; T-Mobile Comments at 42; Verizon Comments at 18; WIA Comments at 38-40. Even some cases that implicitly recognize the limitations of a gap-based test fail to account for those limitations in practice when applying Section 332(c)(7)(B)(i)(II). *See, e.g., Second Generation Properties v. Town of Pelham*, 313 F.3d 620, 633 n.14 (4th Cir. 2002) (discussing scenarios where a carrier has coverage but insufficient capacity to adequately handle the volume of calls or where new technology emerges and a carrier would like to use it in areas that already have coverage using prior-generation technology). Courts that have sought to identify limited set of characteristics of personal wireless services covered by the Act essentially allow actual or effective prohibition of many personal wireless services that providers wish to offer with additional or more advanced characteristics. *See, e.g., Willoth*, 176 F.3d at 641-43 (drawing upon certain statutory definitions); *Cellular Tel. Co. v. Zoning Bd. of Adjustment of the Borough of Ho-Ho-Kus*, 197 F.3d 64, 70 (3d Cir. 1999) (*Borough of Ho-Ho-Kus*) (concluding that it should be up to state or local authorities to assess and weigh the benefits of differing service qualities); *Albemarle County*, 211 F.3d at 87 (citing 47 CFR §§ 22.99, 22.911(b) as noting the possibility of some ‘dead spots’); *cf. USCOC of Greater Iowa, Inc. v. Zoning Bd. of Adjustment of the City of Des Moines*, 465 F.3d 817 (8th Cir. 2006) (describing as a “dubious proposition” the argument that a denial of a request to construct a tower resulting in “less than optimal” service quality could be an effective prohibition). An outcome that allows the actual or effective prohibition of some covered services is contrary to the Act. Section 253(a) applies to any state or local legal requirement that prohibits or has the effect of prohibiting any entity from providing “any” interstate or intrastate telecommunications service, 47 U.S.C. § 253(a). Similarly, Section 332(c)(7)(B)(i)(II) categorically precludes state or local regulation of the placement, construction, or modification of personal wireless service facilities that prohibits or has the effect of prohibiting the provision of personal wireless “services.” 47 U.S.C. § 332(c)(7)(B)(i)(II). We find the most natural interpretation of these sections is that any service that meets the definition of “telecommunications service” or “personal wireless service” is encompassed by the language of each provision, rather than only some subset of such services or service generally. The notion that such state or local regulation permissibly could prohibit some personal wireless services, so long as others are available, is at odds with that interpretation. In addition, as we explain above, a contrary approach would fail to advance important statutory goals as well as the interpretation we adopt. Further, the approach reflected in these court decisions could involve state or local authorities “inquir[ing] into and regulat[ing] the services offered—an inquiry for which they are ill-qualified to pursue and which could only delay infrastructure deployment.” Crown Castle June 7, 2018 *Ex Parte* Letter at 14. Instead, our effective prohibition analysis focuses on the service the provider wishes to provide, incorporating the capabilities and performance characteristics it wishes to employ, including facilities deployment to provide existing services more robustly, or at a better level of quality, all to offer a more robust and competitive wireless service for the benefit of the public.

<sup>96</sup> *See generally, e.g., Twentieth Wireless Competition Report*, 32 FCC Rcd at 8968; *see also, e.g., T-Mobile Comments* at 42-43; AT&T Reply at 4-5; CTIA Reply at 13-14; WIA Reply at 23-24; Crown Castle June 7, 2018 *Ex Parte* Letter at 15. We do not suggest that viewing wireless service as if it were a single, monolithic offering provided only via traditional wireless towers would have reflected an accurate understanding of the marketplace in the past, even if it might have been somewhat more understandable that courts held such a simplified view at that time. Rather, the current marketplace conditions highlight even more starkly the shortcomings of coverage gap-based approaches, which do not account for other characteristics and deployment strategies. *See, e.g., Twentieth Wireless Competition Report*, 32 FCC Rcd at 8974-75, para. 12 (observing that “[p]roviders of mobile wireless services typically offer an array of mobile voice and data services,” including “interconnected mobile voice services”); *id.* at 8997-97, paras. 42-43 (discussing various types of wireless infrastructure deployment to, among



incompatible with a world where the vast majority of new wireless builds are going to be designed to add network capacity and take advantage of new technologies, rather than plug gaps in network coverage.”<sup>97</sup> Moreover, a critical feature of these new wireless builds is to accommodate increased in-building use of wireless services, necessitating deployment of small cells in order to ensure quality service to wireless callers within such buildings.<sup>98</sup>

41. Likewise, we reject the suggestion of some courts like the Eighth and Ninth Circuits that evidence of an existing or complete inability to offer a telecommunications service is required under 253(a).<sup>99</sup> Such an approach is contrary to the material inhibition standard of *California Payphone* and the correct recognition by courts “that a prohibition does not have to be complete or ‘insurmountable’” to constitute an effective prohibition.<sup>100</sup> Commission precedent beginning with *California Payphone* itself makes clear that an insurmountable barrier is not required to find an effective prohibition under Section 253(a).<sup>101</sup> The “effectively prohibit” language must have some meaning independent of the “prohibit”

(Continued from previous page)

other things, “improve spectrum efficiency for 4G and future 5G services,” “to fill local coverage gaps, to densify networks and to increase local capacity”).

<sup>97</sup> Crown Castle June 7, 2018 *Ex Parte* Letter at 15; *see also id.* at 13 (“Densification of networks will be key for augmenting the capacity of existing networks and laying the groundwork for the deployment of 5G.”); *id.* at 15-16 (“When trying to maximize spectrum re-use and boost capacity, moving facilities by just a few hundred feet can mean the difference between excellent service and poor service. The FCC’s rules, therefore, must account for the effect siting decisions would have on every level of service, including increasing capacity and adding new spectrum bands. Practices and decisions that prevent carriers from doing either materially prohibit the provision of telecommunications service and thus should be considered impermissible under Section 332.”). Contrary approaches appear to occur in part when courts’ policy balancing places more importance on broadly preserving state and local authority than is justified. *See, e.g., APT*, 196 F.3d at 479; *Albemarle County*, 211 F.3d at 86; *City Council of Virginia Beach*, 155 F.3d at 429; *National Tower, LLC v. Plainville Zoning Bd. of Appeals*, 297 F.3d 14 (1st Cir. 2002); *see also, e.g., League of Arizona Cities et al. Joint Comments* at 45; *Smart Communities Reply* at 33. As explained above, our interpretation that “telecommunications services” in Section 253(a) and “personal wireless services” in Section 332(c)(7)(B)(i)(II) are focused on the covered services that providers seek to provide—including the relevant service characteristics they seek to incorporate—not only is consistent with the text of those provisions but better reflects the broader policy goals of the Communications Act and the 1996 Act.

<sup>98</sup> *See WIA Comments* at 39; *T-Mobile Comments* at 43-44.

<sup>99</sup> *See, e.g., County of San Diego*, 543 F.3d at 577, 579-80; *City of St. Louis*, 477 F.3d at 533-34; *see also, e.g., Virginia Joint Commenters Comments*, Exh. A at 39-41. Although the Ninth Circuit in *County of San Diego* found that “the unambiguous text of §253(a)” precluded a prior Ninth Circuit approach that found an effective prohibition based on broad governmental discretion and the “mere possibility of prohibition,” that holding is not implicated by our interpretations here. *County of San Diego*, 543 F.3d at 578; *cf. City of St. Louis*, 477 F.3d at 532. Consequently, those decisions do not preclude the Commission’s interpretations here, *see, e.g., Verizon Reply* at 7, and we reject claims to the contrary. *See, e.g., Smart Communities Comments* at 60.

<sup>100</sup> *City of White Plains*, 305 F.3d at 76 (citing *RT Commc’ns*, 201 F.3d at 1268); *see also, e.g., Municipality of Guayanilla*, 450 F.3d at 18 (quoting *City of White Plains*, 305 F.3d at 76 and citing *City of Santa Fe*, 380 F.3d at 1269); Crown Castle June 7, 2018 *Ex Parte* Letter at 12; Verizon Aug. 10, 2018 *Ex Parte* Letter, Attach at 5. Indeed, the Eighth Circuit’s *City of St. Louis* decision acknowledges that under Section 253 “[t]he plaintiff need not show a complete or insurmountable prohibition,” even while other aspects of that decision suggest that an insurmountable barrier effectively would be required. *City of St. Louis*, 477 F.3d at 533 (citing *City of White Plains*, 305 F.3d at 76).

<sup>101</sup> In *California Payphone*, the Commission concluded that the ordinance at issue “does not ‘prohibit’ the ability of any payphone service provider to provide payphone service in the Central Business District within the meaning of section 253(a),” but went on to evaluate the possibility of an effective prohibition by considering “whether the Ordinance materially inhibits or limits the ability of any competitor or potential competitor to compete in a fair and balanced legal and regulatory environment.” *California Payphone*, 12 FCC Rcd at 14205, 14206, paras. 28, 31. In the *Texas PUC Order*, the Commission found that state law build-out requirements would require “substantial financial investment” and a “comparatively high cost per loop sold” in particular areas, interfering with the

language, and we find that the interpretation of the First, Second, and Tenth Circuits reflects that principle, while being more consistent with the *California Payphone* standard than the approach of the Eighth and Ninth Circuits.<sup>102</sup> The reasonableness of our interpretation that ‘effective prohibition’ does not require a showing of an insurmountable barrier to entry is demonstrated not only by a number of circuit courts’ acceptance of that view, but in the Supreme Court’s own characterization of Section 253(a) as “prohibit[ing] state and local regulation that *impedes* the provision of ‘telecommunications service.’”<sup>103</sup>

42. The Eighth and Ninth Circuits’ suggestion that a provider must show an insurmountable barrier to entry in the jurisdiction imposing the relevant regulation is at odds with relevant statutory purposes and goals, as well. Section 253(a) is designed to protect “any entity” seeking to provide telecommunications services from state and local barriers to entry, and Sections 253(b) and (c) emphasize the importance of “competitively neutral” and “nondiscriminatory” treatment of providers.<sup>104</sup> Yet focusing on whether the carrier seeking relief faces an insurmountable barrier to entry would lead to disparities in statutory protections among providers based merely on considerations such as their access to capital and the breadth or narrowness of their entry strategies.<sup>105</sup> In addition, the Commission has observed in connection with Section 253: “Each local government may believe it is simply protecting the

(Continued from previous page)

“statewide entry” plans that new entrants “may reasonable contemplate” in violation of Section 253(a) notwithstanding claims that the specific new entrants at issue had “‘vast resources and access to capital’ sufficient to meet those added costs. *Texas PUC Order*, 13 FCC Rcd at 3498, para. 78. The Commission also has expressed “great concern” about an exclusive rights-of-way access agreement that “appear[ed] to have the potential to adversely affect the provision of telecommunications services by facilities-based providers, in violation of the provision of section 253(a).” *Minnesota Order*, 14 FCC Rcd at 21700, para. 3. As another example, in the *Western Wireless Order*, the Commission stated that a “universal service fund mechanism that provides funding only to ILECs” would likely violate Section 253(a) not because it was insurmountable but because it would “effectively lower the price of ILEC-provided service relative to competitor-provided service” and thus “give customers a strong incentive to choose service from ILECs rather than competitors.” *Western Wireless Order*, 15 FCC Rcd at 16231, para. 8.

<sup>102</sup> We discuss specific applications of the *California Payphone* standard in the context of certain fees and non-fee regulations in the sections below; we leave others to be addressed case-by-case as they arise or otherwise are taken up by the Commission or courts in the future.

<sup>103</sup> *Verizon Communications, Inc. v. FCC*, 535 U.S. 467, 491 (2002) (emphasis added); see also, e.g., *Level 3 Communications*, Petition for a Writ of Certiorari, *Level 3 Communications, LLC v. City of St. Louis*, No. 08-626, at 13 (filed Nov. 7, 2008) (“[T]he term ‘[p]rohibit’ commonly has a less absolute meaning than that adopted below, and properly refers to actions that ‘hold back,’ ‘hinder,’ or ‘obstruct.’” (quoting Random House Webster’s Unabridged Dictionary 1546 (2d ed. 1998))). We thus are not compelled to interpret ‘effective prohibition’ to set the high bar suggested by some commenters based on other dictionary definitions. *Smart Communities Petition for Reconsideration*, WC Docket No. 17-84, WT Docket No. 17-79 at 7 (filed Sept. 4, 2018). Because we are unpersuaded that the statutory terminology requires us to interpret an effective prohibition as satisfied only by an insurmountable barrier to entry, we likewise reject commenters’ attempts to argue that “effective prohibition” must be understood to set a higher bar by comparison to the “impairment” language in Section 251 of the Act and associated regulatory interpretations of network unbundling requirements taken from that context. *Id.* at 6. In addition, commenters do not demonstrate why the statutory framework and regulatory context of network unbundling under Section 251—and the specific concerns about access by non-facilities-based providers to competitive networks underlying the court precedent they cite—is sufficiently analogous to that of Section 253 and Section 332(c)(7)(B)(i)(II) that statements from that context should inform our interpretation here. See, e.g., *AT&T Corp. v. Iowa Utilities Bd.*, 525 U.S. at 392. In responding to these discrete arguments raised in a petition for reconsideration of the *Moratoria Declaratory Ruling* that bear on actions we take in this order we do not thereby resolve any of the petition’s arguments with respect to that order. The requests for relief raised in the petition remain pending in full.

<sup>104</sup> 47 U.S.C. § 253(a), (b), (c).

<sup>105</sup> See, e.g., *Texas PUC Order*, 13 FCC Rcd at 3498, para. 78 (rejecting claims that there should be a higher bar to find an effective prohibition for providers with significant financial resources and recognizing that the effects of the relevant state requirements on a given provider could differ depending on the planned geographic scope of entry).

interests of its constituents. The telecommunications interests of constituents, however, are not only local. They are statewide, national and international as well. We believe that Congress' recognition of this fact was the genesis of its grant of preemption authority to this Commission."<sup>106</sup> As illustrated by our consideration of effective prohibitions flowing from state and local fees, there also can be cases where a narrow focus on whether an insurmountable barrier can be shown within the jurisdiction imposing a particular legal requirement would neglect the serious effects that flow through in other jurisdictions as a result, including harms to regional or national deployment efforts.<sup>107</sup>

## B. State and Local Fees

43. Federal courts have long recognized that the fees charged by local governments for the deployment of communications infrastructure can run afoul of the limits Congress imposed in the effective prohibition standard embodied in Sections 253 and 332.<sup>108</sup> In *Municipality of Guayanilla*, for example, the First Circuit addressed whether a city could lawfully charge a 5 percent gross revenue fee. The court found that the "5% gross revenue fee would constitute a substantial increase in costs" for the provider, and that the ordinance consequently "will negatively affect [the provider's] profitability."<sup>109</sup> The fee, together with other requirements, thus "place a significant burden" on the provider.<sup>110</sup> In light of this analysis, the First Circuit agreed that the fee "'materially inhibits or limits the ability'" of the provider "'to compete in a fair and balanced legal and regulatory environment."<sup>111</sup> The court thus held that the fee does not survive scrutiny under Section 253. In doing so, the First Circuit also noted that the inquiry is not limited to the impact that a fee would have on deployment in the jurisdiction that imposes the fee. Rather, the court noted the aggregate effect of fees when totaled across all relevant jurisdictions.<sup>112</sup> At the same time, the First Circuit did not decide whether the fair and reasonable compensation allowed under Section 253 must be limited to cost recovery or, at the very least, related to the actual use of the ROW.<sup>113</sup>

44. In *City of White Plains*, the Second Circuit likewise faced a 5 percent gross revenue fee, which it found to be "[t]he most significant provision" in a franchise agreement implementing an ordinance that the court concluded effectively prohibited service in violation of Section 253.<sup>114</sup> While the court noted that "compensation is . . . sometimes used as a synonym for cost,"<sup>115</sup> it ultimately did not resolve whether fair and reasonable compensation "is limited to cost recovery, or whether it also extends to a reasonable rent," relying instead on the fact that "White Plains has not attempted to charge Verizon

---

<sup>106</sup> *TCI Cablevision of Oakland County, Inc. Petition for Declaratory Ruling, Preemption and Other Relief Pursuant to 47 U.S.C. §§ 541, 544(e), and 253*, Memorandum Opinion and Order, 12 FCC Rcd 21396, 21442, para. 106 (1997) (*TCI Cablevision Order*).

<sup>107</sup> See *infra* Part III.B.

<sup>108</sup> The Commission also has recognized the potential for fees to result in an effective prohibition. See, e.g., *Pittencrieff*, 13 FCC Rcd at 1751-52, para. 37 (observing that "even a neutral [universal service] contribution requirement might under some circumstances effectively prohibit an entity from offering a service").

<sup>109</sup> *Municipality of Guayanilla*, 450 F.3d at 18-19.

<sup>110</sup> *Id.* at 19.

<sup>111</sup> *Id.* (quoting *City of White Plains*, 305 F.3d at 76).

<sup>112</sup> *Municipality of Guayanilla*, 450 F.3d at 17 (looking at the aggregate cost of fees charged across jurisdictions given the interconnected nature of the service).

<sup>113</sup> *Id.* at 22 ("We need not decide whether fees imposed on telecommunications providers by state and local governments must be limited to cost recovery. We agree with the district court's reasoning that fees should be, at the very least, related to the actual use of rights of way and that 'the costs [of maintaining those rights of way] are an essential part of the equation.'").

<sup>114</sup> *City of White Plains*, 305 F.3d at 77.

<sup>115</sup> *Id.* In this context, the court stated that the term "compensation" is "flexible" and capable of different meanings depending on the context in which it is used. *Id.*

the fee that it seeks to charge TCG,” thus failing Section 253’s “competitively neutral and nondiscriminatory” standard.<sup>116</sup> But the court did observe that “Section 253(c) requires compensation to be reasonable essentially to prevent monopolist pricing by towns.”<sup>117</sup>

45. In another example, the Tenth Circuit in *City of Santa Fe* addressed a \$6,000 per foot fee set for Qwest’s use of the ROW.<sup>118</sup> The court held “that the rental provisions are prohibitive because they create[d] a massive increase in cost” for Qwest.<sup>119</sup> The court recognized that Section 253 allows the recovery of cost-based fees, though it ultimately did not decide whether to “measure ‘fair and reasonable’ by the City’s costs or by a ‘totality of circumstances test’” applied in other courts because it determined that the fees at issue were not cost-based and “fail[ed] even the totality of the circumstances test.”<sup>120</sup> Consequently, the fee was preempted under Section 253.

46. At the same time, the courts have adopted different approaches to analyzing whether fees run afoul of Section 253, at times failing even to articulate a particular test.<sup>121</sup> Among other things, courts have expressed different views on whether Section 253 limits states’ and localities’ fees to recovery of their costs or allows fees set in excess of that level.<sup>122</sup> We articulate below the Commission’s interpretation of Section 253(a) and the standards we adopt for evaluating when a fee for Small Wireless Facility deployment is preempted, regardless how the fee is challenged. We also clarify that the Commission interprets Section 332(c)(7)(B)(i)(II) to have the same substantive meaning as Section 253(a).

47. *Record Evidence on Costs Associated with Small Wireless Facilities.* Keeping pace with the demands on current 4G networks and upgrading our country’s wireless infrastructure to 5G require

---

<sup>116</sup> *City of White Plains*, 305 F.3d at 79. In particular, the court concluded that “fees that exempt one competitor are inherently not ‘competitively neutral,’ regardless of how that competitor uses its resulting market advantage,” *id.* at 80, and thus “[a]llowing White Plains to strengthen the competitive position of the incumbent service provider would run directly contrary to the pro-competitive goals of the [1996 Act],” *id.* at 79.

<sup>117</sup> *Id.*

<sup>118</sup> *City of Santa Fe*, 380 F.3d at 1270-71.

<sup>119</sup> *Id.* at 1271.

<sup>120</sup> *Id.* at 1272 (observing that “[t]he City acknowledges . . . that the rent required by the Ordinance is not limited to recovery of costs”).

<sup>121</sup> Compare, e.g., *Municipality of Guayanilla*, 450 F.3d at 18-19 (finding that fees were significant and had the effect of prohibiting service); *City of Santa Fe*, 380 F.3d at 1271 (similar); with, e.g., *Qwest v. Elephant Butte Irrigation Dist.*, 616 F. Supp. 2d 1110, 1123-24 (D.N.M. 2008) (rejecting Qwest’s reliance on preceding finding of effective prohibition from quadrupled costs where the fee at issue was a penny per foot); *Qwest v. City of Portland*, 2006 WL 2679543, \*15 (D. Or. 2006) (asserting with no explanation that “a registration fee of \$35 and a refundable deposit of \$2,000 towards processing expenses . . . could not possibly have the effect of prohibiting Qwest from providing telecommunications services”).

<sup>122</sup> For example and as noted above, in *Municipality of Guayanilla* the First Circuit reserved judgment on whether the fair and reasonable compensation allowed under Section 253 must be limited to cost recovery or if it was sufficient if the compensation was related to the actual use of rights of way. *Municipality of Guayanilla*, 450 F.3d at 22. Other courts have found reasonable compensation to require cost-based fees. *XO Missouri v. City of Maryland Heights*, 256 F. Supp. 2d 987, 993-95 (E.D. Mo. 2003) (*City of Maryland Heights*); *Bell Atlantic–Maryland, Inc. v. Prince George’s County*, 49 F. Supp. 2d 805, 818 (D. Md. 1999) (*Prince George’s County*) vacated on other grounds, 212 F.3d 863 (4th Cir. 2000). Still other courts have applied a test that weighs a number of considerations when evaluating whether compensation is fair and reasonable. *TCG Detroit v. City of Dearborn*, 206 F.3d 618, 625 (6th Cir. 2000) (*City of Dearborn*) (considering “the amount of use contemplated . . . the amount that other providers would be willing to pay . . . and the fact that TCG had agreed in earlier negotiations to a fee almost identical to what it now was challenging as unfair”).

the deployment of many more Small Wireless Facilities.<sup>123</sup> For example, Verizon anticipates that network densification and the upgrade to 5G will require 10 to 100 times more antenna locations than currently exist. AT&T estimates that providers will deploy hundreds of thousands of wireless facilities in the next few years alone—equal to or more than the number providers have deployed in total over the last few decades.<sup>124</sup> Sprint, in turn, has announced plans to build at least 40,000 new small sites over the next few years.<sup>125</sup> A report from Accenture estimates that, overall, during the next three or four years, 300,000 small cells will need to be deployed—a total that it notes is “roughly double the number of macro cells built over the last 30 years.”<sup>126</sup>

48. The many-fold increase in Small Wireless Facilities will magnify per-facility fees charged to providers. Per-facility fees that once may have been tolerable when providers built macro towers several miles apart now act as effective prohibitions when multiplied by each of the many Small Wireless Facilities to be deployed. Thus, a per-facility fee may affect a prohibition on 5G service or the densification needed to continue 4G service even if that same per-facility fee did not effectively prohibit previous generations of wireless service.

49. Cognizant of the changing technology and its interaction with regulations created for a previous generation of service, the *2017 Wireline Infrastructure NPRM/NOI* sought comment on whether government-imposed fees could act as a prohibition within the meaning of Section 253, and if so, what fees would qualify for 253(c)’s savings clause.<sup>127</sup> The *2017 Wireless Infrastructure NPRM/NOI* similarly sought comment on the scope of Sections 253 and 332(c)(7) and on any new or updated guidance the Commission should provide, potentially through a Declaratory Ruling.<sup>128</sup> In particular, the Commission sought comment on whether it should provide further guidance on how to interpret and apply the phrase “prohibit or have the effect of prohibiting.”<sup>129</sup>

50. We conclude that ROW access fees, and fees for the use of government property in the ROW,<sup>130</sup> such as light poles, traffic lights, utility poles, and other similar property suitable for hosting

---

<sup>123</sup> See CTIA June 27, 2018 *Ex Parte* Letter at 6 (“[s]mall cell technology is needed to support 4G densification and 5G connectivity.”); see also *Accelerating Wireless Deployment by Removing Barriers to Infrastructure Investment*, Report and Order, 32 FCC Rcd 9760, 9765, para. 12 (2017) (*2017 Pole Replacement Order*) (recognizing that Small Wireless Facilities will be increasingly necessary to support the rollout of next-generation services).

<sup>124</sup> See Verizon Comments at 3; AT&T Comments at 1.

<sup>125</sup> See Letter from Keith C. Buell, Senior Counsel, Sprint, to Marlene H. Dortch, Secretary, FCC, WT Docket No. 17-79 at 2 (filed Feb. 21, 2018).

<sup>126</sup> *Accelerating Future Economic Value Report* at 6; see also Deloitte 5G Paper.

<sup>127</sup> *Accelerating Wireline Broadband Deployment by Removing Barriers to Infrastructure Investment*, Notice of Proposed Rulemaking and Notice of Inquiry, 32 FCC Rcd 3266, 3296-97, paras. 100 -101 and 3298-99, paras. 104-105 (2017).

<sup>128</sup> *Wireless Infrastructure NPRM/NOI*, 32 FCC Rcd at 3360, para. 87. In addition, in 2016, the Wireless Telecommunications Bureau released a public notice seeking comment on ways to expedite the deployment of next generation wireless infrastructure, including providing guidance on application processing fees and charges for use of rights of way. See *Streamlining Deployment of Small Cell Infrastructure by Improving Wireless Facilities Siting Policies*, Public Notice, 31 FCC Rcd 13360 (WTB 2016).

<sup>129</sup> *Wireless Infrastructure NPRM/NOI*, 32 FCC Rcd at 3362, para. 90.

<sup>130</sup> We do not find these fees to be taxes within the meaning of Section 601(c)(2) of the 1996 Act. See, e.g., Smart Communities Reply at 36 (quoting the savings clause for “State or local law pertaining to taxation” in Section 601(c)(2) of the 1996 Act). It is ambiguous whether a fee charged for access to ROWs should be viewed as a tax for purposes of Section 601(c)(2) of the 1996 Act. See, e.g., *City of Dallas v. FCC*, 118 F.3d 393, 397-98 (5th Cir. 1997) (distinguishing “the price paid to rent use of public right-of-ways” from a “tax” and citing similar precedent). Given that Congress clearly contemplated in Section 253(c) that states’ and localities’ fees for access to ROWs could be subject to preemption where they violate Section 253—or else the savings clause in that regard would be superfluous—we find the better view is that such fees do not represent a tax encompassed by Section 601(c)(2) of

Small Wireless Facilities, as well as application or review fees and similar fees imposed by a state or local government as part of their regulation of the deployment of Small Wireless Facilities inside and outside the ROW, violate Sections 253 or 332(c)(7) unless these conditions are met: (1) the fees are a reasonable approximation of the state or local government's costs,<sup>131</sup> (2) only objectively reasonable costs are factored into those fees, and (3) the fees are no higher than the fees charged to similarly-situated competitors in similar situations.<sup>132</sup>

51. We base our interpretation on several considerations, including the text and structure of the Act as informed by legislative history, the economics of capital expenditures in the context of Small Wireless Facilities (including the manner in which capital budgets are fixed *ex ante*), and the extensive record evidence that shows the actual effects that state and local fees have in deterring wireless providers from adding to, improving, or densifying their networks and consequently the service offered over them (including, but not limited to, introducing next-generation 5G wireless service). We address each of these considerations in turn.

52. *Text and Structure.* We start our analysis with a consideration of the text and structure of Section 253. That section contains several related provisions that operate in tandem to define the roles that Congress intended the federal government, states, and localities to play in regulating the provision of telecommunications services. Section 253(a) sets forth Congress's intent to preempt state or local legal requirements that "prohibit or have the effect of prohibiting the ability of any entity to provide any interstate or intrastate telecommunications service."<sup>133</sup> Section 253(b), in turn, makes clear Congress's intent that state "requirements necessary to preserve and advance universal service, protect the public safety and welfare, ensure the continued quality of telecommunications services, and safeguard the rights

(Continued from previous page) \_\_\_\_\_  
the 1996 Act. We do not address whether particular fees could be considered taxes under other statutes not administered by the FCC, but we reject the suggestion that tests courts use to determine what constitute "taxes" in the context of such other statutes should apply to the Commission's interpretation of Section 601(c)(2) here in light of the statutory context for Section 601(c)(2) in the 1996 Act and the Communications Act discussed above. *See, e.g., Qwest Corp. v. City of Surprise*, 434 F.3d 1176, 1183-84 & n.3 (9th Cir. 2006) (holding that particular fees at issue there were taxes for purposes of the Tax Injunction Act and stating in dicta that had the Tax Injunction Act not applied it would agree with the conclusion of the district court that it was covered by Section 601(c)(2) of the 1996 Act); *MCI Communications Services, Inc. v. City of Eugene*, 359 F. Appx. 692, 696 (9th Cir. 2009) (asserting without analysis that the same test would apply to determine if a fee constitutes a tax under both the Tax Injunction Act and Section 601(c)(2) of the 1996 Act).

<sup>131</sup> By costs, we mean those costs specifically related to and caused by the deployment. These include, for instance, the costs of processing applications or permits, maintaining the ROW, and maintaining a structure within the ROW. *See Puerto Rico Tel. Co. v. Municipality of Guayanilla*, 354 F. Supp. 2d 107, 114 (D.P.R. 2005) (*Guayanilla District Ct. Opinion*), *aff'd*, 450 F.3d 9 (1st Cir. 2006) ("fees charged by a municipality need to be related to the degree of actual use of the public rights-of way" to constitute fair and reasonable compensation under Section 253(c)).

<sup>132</sup> We explain above what we mean by "fees." *See supra* note 71. Contrary to some claims, we are not asserting a "general ratemaking authority." Virginia Joint Commenters Comments at 6. Our interpretations in this order bear on whether and when fees associated with Small Wireless Facility deployment have the effect of prohibiting wireless telecommunications service and thus are subject to preemption under Section 253(a), informed by the savings clause in Section 253(c). While that can implicate issues surrounding how those fees were established, it does so only to the extent needed to vindicate Congress's intent in Section 253. We do not interpret Section 253(a) or (c) to authorize the regulation or establishment of state and local fees as an exercise in itself. We likewise are not persuaded by undeveloped assertions that the Commission's interpretation of Section 253 in the context of fees would somehow violate constitutional separation of powers principles. *See, e.g.,* Virginia Joint Commenters Comments, Exh. A at 52.

<sup>133</sup> 47 U.S.C. § 253(a).

of consumers” are not preempted.<sup>134</sup> Of particular importance in the fee context, Section 253(c) reflects a considered policy judgment that “[n]othing in this section” shall prevent states and localities from recovering certain carefully delineated fees. Specifically, Section 253(c) makes clear that fees are not preempted that are “fair and reasonable” and imposed on a “competitively neutral and nondiscriminatory basis,” for “use of public rights-of-way on a “nondiscriminatory basis,” so long as they are “publicly disclosed” by the government.<sup>135</sup> Section 253(d), in turn, provides one non-exclusive mechanism by which a party can obtain a determination from the Commission of whether a specific state or local requirement is preempted under Section 253(a)—namely, by filing a petition with the Commission.<sup>136</sup>

53. In reviewing this statutory scheme, the Commission previously has construed Section 253(a) as “broadly limit[ing] the ability of state[s] to regulate,” while the remaining subsections set forth “defined areas in which states may regulate.”<sup>137</sup> We reaffirm this conclusion, consistent with the view of most courts to have considered the issue—namely, that Sections 253(b) and (c) make clear that certain state or local laws, regulations, and legal requirements are not preempted under the expansive scope of Section 253(a).<sup>138</sup> Our interpretation of Section 253(a) is informed by this statutory context,<sup>139</sup> and the observation of courts that when a preemption provision precedes a narrowly-tailored savings clause, it is reasonable to infer that Congress intended a broad preemptive scope.<sup>140</sup> We need not decide today whether Section 253(a) preempts all fees not expressly saved by Section 253(c) with respect to all types of deployments. Rather, we conclude, based on the record before us, that with respect to Small Wireless Facilities, even fees that might seem small in isolation have material and prohibitive effects on deployment,<sup>141</sup> particularly when considered in the aggregate given the nature and volume of anticipated Small Wireless Facility deployment.<sup>142</sup> Against this backdrop, and in light of significant evidence, set forth herein, that Congress intended Section 253 to preempt legal requirements that effectively prohibit service, including wireless infrastructure deployment, we view the substantive standards for fees that Congress sought to insulate from preemption in Section 253(c) as an appropriate ceiling for state and local fees that apply to the deployment of Small Wireless Facilities in public ROWs.<sup>143</sup>

<sup>134</sup> 47 U.S.C. § 253(b).

<sup>135</sup> 47 U.S.C. § 253(c).

<sup>136</sup> 47 U.S.C. § 253(d).

<sup>137</sup> *Texas PUC Order*, 13 FCC Rcd at 3481, para. 44.

<sup>138</sup> See, e.g., *Connect America Fund; Sandwich Isles Communications, Inc.*, Memorandum Opinion and Order, 32 FCC Rcd 5878, 5881, 5885-87, paras. 8, 19-25 (2017) (*Sandwich Isles Section 253 Order*); *Texas PUC Order*, 13 FCC Rcd at 3480-81, paras. 41-44; *Global Network Commc’ns, Inc. v. City of New York*, 562 F.3d 145, 150-51 (2d Cir. 2009); *Southwestern Bell Tel. Co. v. City of Houston*, 529 F.3d 257, 262 (5th Cir. 2008); *City of St. Louis*, 477 F.3d at 531-32 (8th Cir. 2007); *Municipality of Guayanilla*, 450 F.3d at 15-16; *City of Santa Fe*, 380 F.3d at 1269; *BellSouth Telecomm’s, Inc. v. Town of Palm Beach*, 252 F.3d 1169, 1187-89 (11th Cir. 2001). Some courts appear to have viewed Section 253(c) as an independent basis for preemption. See, e.g., *City of Dearborn*, 206 F.3d at 624 (after concluding that a franchise fee did not violate Section 253(a), going on to evaluate whether it was “fair and reasonable” under Section 253(c)). We find more persuasive the Commission and other court precedent to the contrary, which we find better adheres to the statutory language.

<sup>139</sup> See, e.g., *Utility Air Regulatory Group v. EPA*, 134 S. Ct. 2427, 2442 (2014).

<sup>140</sup> See, e.g., *Pilot Life Ins. Co. v. Dedeaux*, 481 U.S. 41, 44-45 (1987); *City of New York v. Permanent Mission of India to United Nations*, 618 F.3d 172, 189-90 (2d Cir. 2010); *Frank v. Delta Airlines, Inc.*, 314 F.3d 195, 199 (5th Cir. 2002); cf. *United States v. Kay*, 359 F.3d 738 (5th Cir. 2004) (justifying a broad reading of a statute given that Congress “narrowly defin[ed] exceptions and affirmative defenses against a backdrop of broad applicability”).

<sup>141</sup> See *infra* paras. 62-63.

<sup>142</sup> See, e.g., *Wireless Infrastructure Second R&O*, FCC 18-30, at para. 64.

<sup>143</sup> See, e.g., Verizon Aug. 10, 2018 *Ex Parte* Letter, Attach. at 9-10. We therefore reject the view of those courts that have concluded that Section 253(a) necessarily requires some additional showing beyond the fact that a particular fee is not cost-based. See, e.g., *Qwest v. City of Berkeley*, 433 F.3d 1253, 1257 (9th Cir. 2006) (“we

54. In addition, notwithstanding that Section 253(c) only expressly governs ROW fees, we find it appropriate to look to its substantive standards as a ceiling for other state and local fees addressed by this *Declaratory Ruling*.<sup>144</sup> For one, our evaluation of the material effects of fees on the deployment of Small Wireless Facilities does not differ whether the fees are for ROW access, use of government property within the ROW, or one-time application and review fees or the like—any of which drain limited capital resources that otherwise could be used for deployment—and we see no reason why the Act would tolerate a greater prohibitory effect in the case of application or review fees than for ROW fees.<sup>145</sup> In addition, elements of the substantive standards for ROW fees in Section 253(c) appear at least analogous to elements of the *California Payphone* standard for evaluating an effective prohibition under Section 253(a). In pertinent part, both incorporate principles focused on the legal requirements to which a provider may be fairly subject,<sup>146</sup> and seek to guard against competitive disparities.<sup>147</sup> Without resolving the precise interplay of those concepts in Section 253(c) and the *California Payphone* standard, their similarities support our use of the substantive standards of Section 253(c) to inform our evaluation of fees at issue here that are not directly governed by that provision.

55. From the foregoing analysis, we can derive the three principles that we articulate in this Declaratory Ruling about the types of fees that are preempted. As explained in more detail below, we also interpret Section 253(c)'s "fair and reasonable compensation" provision to refer to fees that represent a reasonable approximation of actual and direct costs incurred by the government, where the costs being passed on are themselves objectively reasonable.<sup>148</sup> Although there is precedent that "fair and reasonable" compensation could mean not only cost-based charges but also market-based charges in certain instances,<sup>149</sup> the statutory context persuades us to adopt a cost-based interpretation here. In particular, while the general purpose of Section 253(c) is to preserve certain state and local conduct from preemption, it includes qualifications and limitations to cabin state and local action under that savings clause in ways that ensure appropriate protections for service providers. The reasonableness of interpreting the qualifications and limitations in the Section 253(c) savings clause as designed to protect the interests of service providers is emphasized by the statutory language. The "competitively neutral and

(Continued from previous page) \_\_\_\_\_  
decline to read" prior Ninth Circuit precedent "to mean that all non-cost based fees are automatically preempted, but rather that courts must consider the substance of the particular regulation at issue"). At the same time, our interpretation does not take the broader view of the preemptive scope of Section 253 adopted by the Sixth Circuit, which interpreted Section 253(c) as an independent prohibition on conduct that is not itself prohibited by Section 253(a). *City of Dearborn*, 206 F.3d at 624.

<sup>144</sup> See *supra* note 71.

<sup>145</sup> Cf. *Cheney R. Co. v. ICC*, 902 F.2d 66, 69 (D.C. Cir. 1990) (observing that the *expressio unius* canon is a "feeble helper in an administrative setting, where Congress is presumed to have left to reasonable agency discretion questions that it has not directly resolved," and concluding there that "Congress's mandate in one context with its silence in another suggests not a prohibition but simply a decision not to mandate any solution in the second context, i.e., to leave the question to agency discretion").

<sup>146</sup> For ROW compensation to be saved under Section 253(c) it must be "fair and reasonable," while the *California Payphone* standard looks to whether a legal requirement "materially limits or inhibits" the ability to compete in a "fair" legal environment for a covered service. *California Payphone*, 12 FCC Rcd at 14206, para. 31.

<sup>147</sup> For ROW compensation to be saved under Section 253(c) it also must be "competitively neutral and nondiscriminatory," while the *California Payphone* standard also looks to whether a legal requirement "materially limits or inhibits" the ability to compete in a "balanced" legal environment for a covered service. *California Payphone*, 12 FCC Rcd at 14206, para. 31.

<sup>148</sup> See *infra* paras. 69-77; see also, e.g., *City of Maryland Heights*, 256 F. Supp. 2d at 993-95; *Bell Atlantic–Maryland*, 49 F. Supp. 2d at 818.

<sup>149</sup> See, e.g., *NetCoalition v. SEC*, 615 F.3d 525 (D.C. Cir. 2010) (statute did not unambiguously require the SEC to interpret "fair and reasonable" to mean cost-based, and the SEC's reliance on market-based rates as "fair and reasonable" where there was competition was a reasonable interpretation).



nondiscriminatory” and public disclosure qualifications in Section 253(c) appear most naturally understood as protecting the interest of service providers from fees that otherwise would have been saved from preemption under Section 253(c) absent those qualifiers. Under the *noscitur a sociis* canon of statutory interpretation, that context persuades us that the “fair and reasonable” qualifier in Section 253(c) similarly should be understood as focused on protecting the interest of providers.<sup>150</sup> As discussed in greater detail below, while it might well be fair for providers to bear basic, reasonable costs of entry,<sup>151</sup> the record does not reveal why it would be fair or reasonable from the standpoint of protecting providers to require them to bear costs beyond that level, particularly in the context of the deployment of Small Wireless Facilities. In addition, the text of Section 253(c) provides that ROW access fees must be imposed on a “competitively neutral and nondiscriminatory basis.” This means, for example, that fees charged to one provider cannot be materially higher than those charged to a competitor for similar uses.<sup>152</sup>

56. Other considerations support our approach, as well. By its terms, Section 253(a) preempts state or local legal requirements that “prohibit” or have the “effect of prohibiting” the provision of services, and we agree with court precedent that “[m]erely allowing the [local government] to recoup its processing costs . . . cannot in and of itself prohibit the provision of services.”<sup>153</sup> The Commission has long understood that Section 253(a) is focused on state or local barriers to entry for the provision of service,<sup>154</sup> and we conclude that states and localities do not impose an unreasonable barrier to entry when they merely require providers to bear the direct and reasonable costs caused by their decision to enter the market.<sup>155</sup> We decline to interpret a government’s recoupment of such fundamental costs of entry as having the effect of prohibiting the provision of services, nor has any commenter argued that recovery of cost by a government would prohibit service in a manner restricted by Section 253(a).<sup>156</sup> Reasonable state and local regulation of facilities deployment is an important predicate for a viable marketplace for

---

<sup>150</sup> See, e.g., *Life Technologies Corp. v. Promega Corp.*, 137 S. Ct. 734 (2017) (“A word is given more precise content by the neighboring words with which it is associated.” (internal alteration and quotation marks omitted)).

<sup>151</sup> See *infra* para. 56.

<sup>152</sup> See, e.g., *City of White Plains*, 305 F.3d at 80.

<sup>153</sup> *City of Santa Fe*, 380 F.3d at 1269; see also Verizon Comments at 17.

<sup>154</sup> See, e.g., *Sandwich Isles Section 253 Order*, 32 FCC Rcd at 5878, 5882-83, paras. 1, 13; *Western Wireless Order*, 15 FCC Rcd at 16231, para. 8; *Petition of the State of Minnesota for a Declaratory Ruling regarding the Effect of Section 253 on an Agreement to Install Fiber Optic Wholesale Transport Capacity in State Freeway Rights of Way*, Memorandum Opinion and Order, 14 FCC Rcd 21697, 21707, para. 18 (*Minnesota Order*); *Hyperion Order*, 14 FCC Rcd at 11070, para. 13; *Texas PUC Order*, 13 FCC Rcd at 3480, para. 41; *TCI Cablevision Order*, 12 FCC Rcd at 21399, para. 7; *California Payphone*, 12 FCC Rcd at 14209, para. 38; see also, e.g., *AT&T Comm’ns of the Sw. v. City of Dallas*, 8 F. Supp. 2d 582, 593 (N.D. Tx. 1998) (*AT&T v. City of Dallas*) (“[A]ny fee that is not based on AT&T’s use of City rights-of-way violates § 253(a) of the FTA as an economic barrier to entry.”); Verizon Comments at 11-12; Verizon Aug. 10, 2018 *Ex Parte* Letter, Attach. at 7. Because we view the *California Payphone* standard as reflecting a focus on barriers to entry, we decline requests to adopt a distinct, additional standard with that as an explicit focus. See, e.g., T-Mobile Comments at 35.

<sup>155</sup> See, e.g., *Implementation of Section 224 of the Act*, Report and Order and Order on Reconsideration, 26 FCC Rcd 5240, 5301-03, paras. 142-45 (2011) (rejecting an approach to defining a lower bound rate for pole attachments that “would result in pole rental rates below incremental cost” as contrary to cost causation principles); *Investigation of Interstate Access Tariff Non-Recurring Charges*, Memorandum Opinion and Order, 2 FCC Rcd 3498, 3502, para. 34 (1987) (observing in the rate regulation context that “the public interest is best served, and a competitive marketplace is best encouraged, by policies that promote the recovery of costs from the cost-causer”). Our interpretation limiting states and localities to the recovery of a reasonable approximation of objectively reasonable cost also takes into account state and local governments’ exclusive control over access to the ROW.

<sup>156</sup> For example, Verizon states that “[a]lthough any fee could be said to raise the cost of providing service,” Verizon Aug. 10, 2018 *Ex Parte* Letter, Attach. at 9, “[t]he Commission should interpret . . . Section 253(a) to allow cost-based fees for access to public rights-of-way and structures within them, but to prohibit above-cost fees that generate revenue in excess of state and local governments’ actual costs.” *Id.*, Attach. at 6.

communications services by protecting property rights and guarding against conflicting deployments that could harm or otherwise interfere with others' use of property.<sup>157</sup> By contrast, fees that recover more than the state or local costs associated with facilities deployment—or that are based on unreasonable costs, such as exorbitant consultant fees or the like—go beyond such governmental recovery of fundamental costs of entry. In addition, interpreting Section 253(a) to prohibit states and localities from recovering a reasonable approximation of reasonable costs could interfere with the ability of states to exercise the police powers reserved to them under the Tenth Amendment.<sup>158</sup> We therefore conclude that Section 253(a) is circumscribed to permit states and localities to recover a reasonable approximation of their costs related to the deployment of Small Wireless Facilities.

57. *Commission Precedent.* We draw further confidence in our conclusions from the Commission's *California Payphone* decision, which we reaffirm here, finding that a state or local legal requirement would violate Section 253(a) if it “materially limits or inhibits” an entity’s ability to compete in a “balanced” legal environment for a covered service.<sup>159</sup> As explained above, fees charged by a state or locality that recover the reasonable approximation of reasonable costs do not “materially inhibit” a provider’s ability to compete in a “balanced” legal environment. To the contrary, those costs enable localities to recover their necessary expenditures to provide a stable and predictable framework in which market participants can enter and compete. On the other hand, in the *Texas PUC Order* interpreting *California Payphone*, the Commission concluded that state or local legal requirements such as fees that impose a “financial burden” on providers can be effectively prohibitive.<sup>160</sup> As the record shows, excessive state and local governments’ fees assessed on the deployment of Small Wireless Facilities in the ROW in fact materially inhibit the ability of many providers to compete in a balanced environment.<sup>161</sup>

58. *California Payphone* and *Texas PUC* separately support the conclusion that fees cannot be discriminatory or introduce competitive disparities, as such fees would be inconsistent with a “balanced” regulatory marketplace. Thus, fees that treat one competitor materially differently than other competitors in similar situations are themselves grounds for finding an effective prohibition—even in the case of fees that are a reasonable approximation of the actual and reasonable costs incurred by the state or locality. Indeed, the Commission has previously recognized the potential for subsidies provided to one

---

<sup>157</sup> See, e.g., *TCI Cablevision Order*, 12 FCC Rcd at 21441, para. 103; see also, e.g., Garrett Hardin, *The Tragedy of the Commons*, 162 Sci. 1243 (1968). States’ or localities’ regulation premised on addressing effects of deployment besides these costs caused by facilities deployment are distinct issues, which we discuss below. See *infra* Part III.C.

<sup>158</sup> The Supreme Court has recognized that land use regulation can involve an exercise of police powers. See, e.g., *Hodel v. Va. Surface Min. & Reclamation Ass’n, Inc.*, 452 U.S. 264, 289 (1981). As that Court observed, “[i]t would . . . be a radical departure from long-established precedent for this Court to hold that the Tenth Amendment prohibits Congress from displacing state police power laws regulating private activity.” *Id.* at 292. At the same time, the Court also has held that “historic police powers of the States” are not to be preempted by federal law “unless that was the clear and manifest purpose of Congress.” *Wisconsin Public Intervenor v. Mortier*, 501 U.S. 597, 605 (1991) (internal quotation marks omitted). As relevant here, we see no clear and manifest intent that Congress intended to preempt publicly disclosed, objectively reasonable cost-based fees imposed on a nondiscriminatory basis, particularly in light of Section 253(c).

<sup>159</sup> We disagree with suggestions that the Commission applied an additional and more stringent “commercial viability” test in *California Payphone*. See, e.g., Crown Castle June 7, 2018 *Ex Parte* Letter at 10. Instead, the Commission was simply evaluating the Section 253 petition on its own terms, see, e.g., *California Payphone*, 12 FCC Rcd at 14204, 14210, paras. 27, 41, and, without purporting to define the bounds of Section 253(a), explaining that the petitioner “ha[d] not sufficiently supported its allegation” that the provision of service at issue “would be ‘impractical and uneconomic.’” *Id.* at 14210, para. 41. Confirming that this language was simply the Commission’s short-hand reference to arguments put forward by the petitioner itself, and not a Commission-announced standard for applying Section 253, the Commission has not applied a “commercial viability” standard in other decisions, as these same commenters recognize. See, e.g., Crown Castle June 7, 2018 *Ex Parte* Letter at 10.

<sup>160</sup> *Texas PUC Order*, 13 FCC Rcd at 3466, 3498-500, paras. 13, 78-81.

<sup>161</sup> See *infra* paras. 60-65.

competitor to distort the marketplace and create a barrier to entry in violation of Section 253(a).<sup>162</sup> We reaffirm that conclusion here.

59. *Legislative History.* While our interpretation follows directly from the text and structure of the Act, our conclusion finds further support in the legislative history, which reflects Congress's focus on the ability of states and localities to recover the reasonable costs they incur in maintaining the rights of way.<sup>163</sup> Significantly, Senator Dianne Feinstein, during the floor debate on Section 253(c), "offered examples of the types of restrictions that Congress intended to permit under Section 253(c), including [to] 'require a company to pay fees to *recover an appropriate share of the increased street repair and paving costs* that result from repeated excavation.'"<sup>164</sup> Representative Bart Stupak, a sponsor of the legislation, similarly explained during the debate on Section 253 that "if a company plans to run 100 miles of trenching in our streets and wires to all parts of the cities, it *imposes a different burden* on the right-of-way than a company that just wants to string a wire across two streets to a couple of buildings," making clear that the compensation described in the statute is related to the burden, or cost, from a provider's use of the ROW.<sup>165</sup> These statements buttress our interpretation of the text and structure of Section 253 and confirm Congress's apparent intent to craft specific safe harbors for states and localities, and to permit recovery of reasonable costs related to the ROW as "fair and reasonable compensation," while preempting fees above a reasonable approximation of cost that improperly inhibit service.<sup>166</sup>

60. *Capital Expenditures.* Apart from the text, structure, and legislative history of the 1996 Act, an additional, independent justification for our interpretation follows from the simple, logical premise, supported by the record, that state and local fees in one place of deployment necessarily have the effect of reducing the amount of capital that providers can use to deploy infrastructure elsewhere, whether the reduction takes place on a local, regional or national level.<sup>167</sup> We are persuaded that providers and infrastructure builders, like all economic actors, have a finite (though perhaps fluid)<sup>168</sup> amount of resources to use for the deployment of infrastructure. This does not mean that these resources are limitless, however. We conclude that fees imposed by localities, above and beyond the recovery of localities' reasonable costs, materially and improperly inhibit deployment that could have occurred elsewhere.<sup>169</sup> This and regulatory uncertainty created by such effectively prohibitive conduct<sup>170</sup> creates an

---

<sup>162</sup> See, e.g., *Western Wireless Order*, 15 FCC Rcd at 16231, para. 8.

<sup>163</sup> See, e.g., WIA Comments, Attach. 2 at 70.

<sup>164</sup> WIA Comments, Attach. 2 at 70 (quoting 141 Cong. Rec. S8172 (daily ed. June 12, 1995) (statement of Sen. Feinstein, quoting letter from Office of City Attorney, City and County of San Francisco)) (emphasis added)); see also, e.g., Verizon Comments at 15 (similar); *City of Maryland Heights*, 256 F. Supp. 2d at 995-96.

<sup>165</sup> 141 Cong. Rec. H8460-01, H8460 (daily ed. Aug. 4, 1995).

<sup>166</sup> We reject other comments downplaying the relevance of legislative statements by some commenters as inconsistent with the text and structure of the Act. See, e.g., League of Arizona Cities *et al.* Joint Comments at 27-28; NATOA Comments, Exh. A at 26-28; Smart Communities Reply at 57-58; Cities of San Antonio *et al.* Reply at 20-21; see also, e.g., *City of Portland v. Electric Lightwave, Inc.*, 452 F. Supp. 2d 1049, 1071-72 (D. Or. 2005).

<sup>167</sup> At a minimum, this analysis complements and reinforces the justifications for our interpretation provided above. While the relevant language of Section 253(a) and Section 332(c)(7)(B)(i)(II) is not limited just to Small Wireless Facilities, we proceed incrementally in our Declaratory Ruling here and address the record before us, which indicates that our interpretation of the effective prohibition standard here is particularly reasonable in the context of Small Wireless Facility deployment.

<sup>168</sup> For example, the precise amount of these resources might shift as a service provider encounters unexpected costs, recovers costs passed on to subscribers, or earns a profit above those costs.

<sup>169</sup> As Verizon observes, "[a] number of states enacted infrastructure legislation because they determined that rate relief was necessary to ensure wireless deployment," and thus could be seen as having "acknowledged that excessive fees impose a substantial barrier to the provision of service." Verizon Aug. 10, 2018 *Ex Parte* Letter, Attach. at 7-8. In view of the evidence in the record regarding the effect of state and local fees on capital expenditures, see, e.g., Corning Sept. 5, 2018 *Ex Parte* Letter (noting that cost savings from reduced small cell attachment and application

appreciable impact on resources that materially limits plans to deploy service. This record evidence emphasizes the importance of evaluating the effect of fees on Small Wireless Facility deployment on an aggregate basis. Consistent with the First Circuit's analysis in *Municipality of Guayanilla*, the record persuades us that fees associated with Small Wireless Facility deployment lead to "a substantial increase in costs"—particularly when considered in the aggregate—thereby "plac[ing] a significant burden" on carriers and materially inhibiting their provision of service contrary to Section 253 of the Act.<sup>171</sup>

61. The record is replete with evidence that providers have limited capital budgets that are constrained by state and local fees.<sup>172</sup> As AT&T explains, "[a]ll providers have limited capital dollars to invest, funds that are quickly depleted when drained by excessive ROW fees."<sup>173</sup> AT&T added that "[c]ompetitive demands will force carriers to deploy small cells in the largest cities. But, when those largest cities charge excessive fees to access ROWs and municipal ROW structures, carriers' finite capital dollars are prematurely depleted, leaving less for investment in mid-level cities and smaller communities. Larger municipalities have little incentive to not overcharge, and mid-level cities and smaller

(Continued from previous page) \_\_\_\_\_

fees could result in \$2.4 billion in capital expenditure and that 97% of this capital expenditure would go toward investments in rural and suburban areas), we disagree with arguments that fees do not affect the deployment of wireless facilities in rural and underserved areas. *See, e.g.*, Letter from Sam Liccardo, Mayor, City of San Jose, to Marlene H. Dortch, Secretary, FCC, WT Docket No. 17-79 at 4 (filed Sept. 18, 2018) (City of San Jose Sept. 18, 2018 *Ex Parte* Letter) (stating that "whether or not a provider wishes to invest in a dense urban area, including underserved urban areas, or a rural area is fundamentally based on the size of the customer base and the market demand for service—not on the purported wiles of a 'must-serve' jurisdiction somehow forcing investment away from rural areas because a right of way or attachment fee is charged."); Letter from Joanne Hovis, Chief Executive Officer, Coalition for Local Internet Choice, James Baller, President, Coalition for Local Internet Choice, to Marlene H. Dortch, Secretary, FCC, WT Docket No. 17-79, Attach. at 3 (filed Sept. 18, 2018) ("in lucrative areas, carriers will pay market fees for access to property just as they would any other cost of doing business. But they will not, as rational economic actors, necessarily apply new profits (created by FCC preemption) to deploying in otherwise unattractive areas.").

<sup>170</sup> *See, e.g.*, CTIA Comments at 32 (identifying "disparate interpretations" regarding the fees that are preempted and seeking FCC clarification to "dispel the resulting uncertainty"); Verizon Comments at 10 (similar); Letter from Cathleen A. Massey, Vice Pres.-Fed. Regulatory Affairs, T-Mobile, to Marlene H. Dortch, Secretary, FCC, WT Docket No. 17-79, Attach. at 7 (filed Sept. 21, 2017) (seeking clarification of Section 253); BDAC Regulatory Barriers Report, p. 9 ("The FCC should provide guidance on what constitutes a fee that is excessive and/or duplicative, and that therefore is not 'fair and reasonable.' The Commission should specifically clarify that 'fair and reasonable' compensation for right-of way access and use implies some relation to the burden of new equipment placed in the ROW or on the local asset, or some other objective standard.").

<sup>171</sup> *Municipality of Guayanilla*, 450 F.3d at 19.

<sup>172</sup> *See, e.g.*, AT&T Comments at 2; Conterra Broadband et al. Comments at 6; Mobilite Comments at 3; Sprint Comments at 17; Letter from Courtney Neville, Associate General Counsel, Competitive Carriers Association, to Marlene H. Dortch, Secretary, FCC, WT Docket No. 17-79 at 2-3 (filed July 16, 2018) (CCA July 16, 2018 *Ex Parte* Letter); Letter from Henry Hultquist, Vice President, Federal Regulatory, to Marlene H. Dortch, Secretary, FCC, WT Docket No. 17-79 at 2 (filed June 8, 2018) (AT&T June 8, 2018 *Ex Parte* Letter); Crown Castle June 7, 2018 *Ex Parte* Letter at 2; Letter from Katharine R. Saunders, Managing Associate General Counsel, Federal Regulatory and Legal Affairs, Verizon, to Marlene H. Dortch, Secretary, FCC, WT Docket No. 17-79 at 2 (filed June 21, 2018) (Verizon June 21, 2018 *Ex Parte* Letter); Letter from Ronald W. Del Sesto, Jr., Counsel for Uniti Fiber, to Marlene H. Dortch, Secretary, FCC, WT Docket No. 17-79 at 5 (filed Oct. 30, 2017); Verizon Aug. 10, 2018 *Ex Parte* Letter, Attach. at 2-4. When developing capital budgets, companies rationally would account for anticipated revenues associated with the services that can be provided by virtue of planned facilities deployment, and the record does not reveal—nor do we see any basis to assume—that such revenues would be so great as to eliminate constraints on providers' capital budgets so as to enable full deployment notwithstanding the level of state and local fees.

<sup>173</sup> AT&T Aug. 6, 2018 *Ex Parte* Letter at 2.

municipalities have no ability to avoid this harm.”<sup>174</sup> As to areas that might not be sufficiently crucial to deployment to overcome high fees, AT&T identified jurisdictions in Maryland, California, and Massachusetts where high fees have directly resulted in paused or decreased deployments.<sup>175</sup> Limiting localities to reasonable cost recovery will “allow[] AT&T and other providers to stretch finite capital dollars to additional communities.”<sup>176</sup> Verizon similarly explains that “[c]apital budgets are finite. When providers are forced to spend more to deploy infrastructure in one locality, there is less money to spend in others. The leverage that some cities have to extract high fees means that other localities will not enjoy next generation wireless broadband services as quickly, if at all.”<sup>177</sup> Sprint, too, affirms that, because “all carriers face limited capital budgets, they are forced to limit the number and pace of their deployment investments to areas where the delays and impediments are the least onerous, to the detriment of their customers and, ultimately and ironically, to the very jurisdictions that imposed obstacles in the first place.”<sup>178</sup> Sprint gives a specific example of its deployments in two adjacent jurisdictions—the City of Los Angeles and Los Angeles County—and describes how high fees in the county prevented Sprint from activating any small cells there, while more than 500 deployments occurred in the city, which had significantly lower fees.<sup>179</sup> Similarly, Conterra Broadband states that “[w]hen time and capital are diverted away from actual facility installation and instead devoted to clearing regulatory roadblocks, consumers and enterprises, including local small businesses, schools and healthcare centers, suffer.”<sup>180</sup> Based on the record, we find that fees charged by states and localities are causing *actual* delays and restrictions on deployments of Small Wireless Facilities in a number of places across the country in violation of Section 253(a).<sup>181</sup>

62. Our conclusion finds further support when one considers the aggregate effects of fees imposed by individual localities, including, but not limited to, the potential limiting implications for a nationwide wireless network that reaches all Americans, which is among the key objectives of the statutory provisions in the 1996 Act that we interpret here.<sup>182</sup> When evaluating whether fees result in an effective prohibition of service due to financial burden, we must consider the marketplace regionally and nationally and thus must consider the cumulative effects of state or local fees on service in multiple geographic areas that providers serve or potentially would serve. Where providers seek to operate on a regional or national basis, they have constrained resources for entering new markets or introducing, expanding, or improving existing services, particularly given that a provider’s capital budget for a given

---

<sup>174</sup> *Id.*

<sup>175</sup> *Id.* (pausing or delaying deployments in Citrus Heights, CA, Oakland, CA and three Maryland counties; decreasing deployments in Lowell, MA and decreasing deployments from 98 to 25 sites in Escondido, CA).

<sup>176</sup> *Id.*

<sup>177</sup> Verizon Aug. 10, 2018 *Ex Parte* Letter at 5, Attach. at 2-4.

<sup>178</sup> Sprint Comments at 17.

<sup>179</sup> Sprint Aug. 13, 2018 *Ex Parte* Letter at 1-2.

<sup>180</sup> Conterra Broadband *et al.* Comments at 6; *see also* Letter from John Scott, Counsel for Mobilitie, LLC to Marlene Dortch, Secretary, FCC, WT Docket No. 17-79, at 2 (“high fees imposed by some cities hurt other cities that have reasonable fees, because they reduce capital resources that might have gone to those cities, and because they pressure other financially strapped cities not to turn away what appears to be a revenue opportunity”).

<sup>181</sup> Letter from Kenneth J. Simon, Senior Vice President and General Counsel, Crown Castle, to Marlene H. Dortch, Secretary, FCC, WT Docket No. 17-79 at 4 (filed August 10, 2018) (Crown Castle Aug. 10, 2018 *Ex Parte* Letter).

<sup>182</sup> *New England Public Comms. Council Petition for Preemption Pursuant to Section 253*, Memorandum Opinion and Order, 11 FCC Rcd 19713, 19717, para. 9 (1996) (1996 Act intent of “accelerat[ing] deployment of advanced telecommunications services to all Americans by opening all telecommunications markets to competition.”); *see also* Crown Castle Aug. 10, 2018 *Ex Parte* Letter at 7.

period of time is often set in advance.<sup>183</sup> In such cases, the resources consumed in serving one geographic area are likely to deplete the resources available for serving other areas.<sup>184</sup> The text of Section 253(a) is not limited by its terms only to effective prohibitions within the geographic area targeted by the state or local fee. Where a fee in a geographic area affects service outside that geographic area, the statute is most naturally read to encompass consideration of all affected areas.

63. A contrary, geographically-restrictive interpretation of Section 253(a) would exacerbate the digital divide by giving dense or wealthy states and localities that might be most critical for a provider to serve the ability to leverage their unique position to extract fees for their own benefit at the expense of regional or national deployment by decreasing the deployment resources available for less wealthy or dense jurisdictions.<sup>185</sup> As a result, the areas likely to be hardest hit by excessive government fees are not necessarily jurisdictions that charge those fees, but rather areas where the case for new, expanded, or improved service was more marginal to start—and whose service may no longer be economically justifiable in the near-term given the resources demanded by the “must-serve” areas. To cite some examples of harmful aggregate effects, AT&T notes that high annual recurring fees are particularly harmful because of their “continuing and compounding nature.”<sup>186</sup> It also states that, “if, as S&P Global Market Intelligence estimates, small-cell deployments reach nearly 800,000 by 2026, a ROW fee of \$1000 per year ... would result in nearly \$800 million annually in forgone investment.”<sup>187</sup> Yet another commenter notes that, “[f]or a deployment that requires a vast number of small cell facilities across a metropolitan area, these fees quickly mount up to hundreds of thousands of dollars, often making deployment economically infeasible,” and “far exceed[ing] any costs the locality incurs by orders of magnitude, while taking capital that would otherwise go to investment in new infrastructure.”<sup>188</sup> Endorsing such a result would thwart the purposes underlying Section 253(a). As Crown Castle observes, “[e]ven where the fees do not result in a direct lack of service in a high-demand area like a city or urban core, the high cost of building and operating facilities in these jurisdictions consume [sic] capital and revenue that could otherwise be used to expand wireless infrastructure in higher cost areas. This impact of egregious fees is prohibitory and should be taken into account in any prohibition analysis.”<sup>189</sup>

64. Some municipal commenters endorse a cost-based approach to “ensure that localities are fully compensated for their costs [and that] fees should be reasonable and non-discriminatory, and should ensure that localities are made whole”<sup>190</sup> in recognition that “getting [5G] infrastructure out in a timely manner can be a challenge that involves considerable time and financial resources.”<sup>191</sup> Commenters from smaller municipalities recognize that “thousands and thousands of small cells are needed for 5G... [and]

---

<sup>183</sup> See, e.g., AT&T June 8, 2018 *Ex Parte* Letter at 2; Crown Castle June 7, 2018 *Ex Parte* Letter at 2; Verizon June 21, 2018 *Ex Parte* Letter at 2.

<sup>184</sup> See, e.g., *Municipality of Guayanilla*, 450 F.3d at 17 (“Given the interconnected nature of utility services across communities and the strain that the enactment of gross revenue fees in multiple municipalities would have on PRTC’s provision of services, the Commonwealth-wide estimates are relevant to determining how the ordinance affects PRTC’s ‘ability . . . to provide any interstate or intrastate telecommunications service’” under Section 253(a)).

<sup>185</sup> See, e.g., Letter from Sam Liccardo, Mayor of San Jose, to the Hon. Brendan Carr, Commissioner, FCC, WT Docket No. 17-79, Attachment at 1-2 (filed Aug. 2, 2018) (describing payment by providers of \$24 million to a Digital Inclusion Fund in order to deploy small cells in San Jose on city owned light poles).

<sup>186</sup> AT&T Comments at 19.

<sup>187</sup> AT&T Comments at 19-20.

<sup>188</sup> Mobilitie Comments at 3.

<sup>189</sup> Crown Castle Aug. 10, 2018 *Ex Parte* Letter at 2.

<sup>190</sup> Sal Pace July 30, 2018 *Ex Parte* Letter at 1.

<sup>191</sup> LaWana Mayfield July 31, 2018 *Ex Parte* Letter at 1

old regulations could hinder the timely arrival of 5G throughout the country”<sup>192</sup> and urge the Commission to “establish some common-sense standards insofar as it relates to fees associated with the deployment of small cells [due to] a cottage industry of consultants [] who have wrongly counseled communities to adopt excessive and arbitrary fees.”<sup>193</sup> Representatives from non-urban areas in particular caution that, “if the investment that goes into deploying 5G on the front end is consumed by big, urban areas, it will take longer for it to flow outwards in the direction of places like Florence, [SC].”<sup>194</sup> “[R]educing the high regulatory costs in urban areas would leave more dollars to development in rural areas [because] most of investment capital is spent in the larger urban areas [since] the cost recovery can be made in those areas. This leaves the rural areas out.”<sup>195</sup> We agree with these commenters, and we further agree with courts that have considered “the *cumulative effect* of future similar municipal [fees ordinances]” across a broad geographic area when evaluating the effect of a particular fee in the context of Section 253(a).<sup>196</sup> To the extent that other municipal commenters argue that our interpretation gives wireless providers preferential treatment compared to other users of the ROW, the record does not contain data about other users that would support such a conclusion.<sup>197</sup> In any event, Section 253 of the Communications Act expressly bars legal requirements that effectively prohibit telecommunications service without regard to whether it might result in preferential treatment for providers of that service.<sup>198</sup>

65. Applying this approach here, the record reveals that fees above a reasonable approximation of cost, even when they may not be perceived as excessive or likely to prohibit service in isolation, will have the effect of prohibiting wireless service when the aggregate effects are considered, particularly given the nature and volume of anticipated Small Wireless Facility deployment.<sup>199</sup> The record reveals that these effects can take several forms. In some cases, the fees in a particular jurisdiction will lead to reduced or entirely forgone deployment of Small Wireless Facilities in the near term for that

---

<sup>192</sup> Dr. Carolyn Prince July 31, 2018 *Ex Parte* Letter at 2.

<sup>193</sup> Letter from Ashton J. Hayward III, Mayor, Pensacola, FL to the Hon. Brendan Carr, Commissioner, WT Docket No. 17-79 at 1 (filed June 8, 2018).

<sup>194</sup> Representative Terry Alexander Aug. 7, 2018 *Ex Parte* Letter at 1.

<sup>195</sup> Senator Duane Ankney July 31, 2018 *Ex Parte* Letter at 1; *see also* Letter from Elder Alexis D. Pipkins, Sr. to the Hon. Brendan Carr, Commissioner, FCC at 1 (filed July 26, 2018) (“the race to 5G is global...instead of each city or state for itself, we should be working towards aligned, streamlined frameworks that benefit us all.”); Letter from Jeffrey Bohm, Chairman of the Board of Commissioners, County of St. Clair to Brendan Carr, Commissioner, FCC, WT Docket 17-79 at 1-2 (filed August 22, 2018) (“Smaller communities, such as those located in St. Clair County would benefit from having the Commissions reduce the costly and unnecessary fee’s that some larger communities place on small cells as a condition of deployment. These fees, wholly disproportionate to any cost, put communities like ours at an unfair disadvantage”); Letter from Scott Niesler, Mayor, City of Kings Mountain, to Brendan Carr, Commissioner, FCC, WT Docket 17-79 at 1-2 (filed June 4, 2018) (“the North Carolina General Assembly has enacted legislation to encourage the deployment of small cell technology to limit exorbitant fees which can siphon off capital from further expansion projects. I was encouraged to see the FCC taking similar steps to enact policies that help clear the way for the essential investment”).

<sup>196</sup> *Guayanilla District Ct. Opinion*, 354 F. Supp. 2d at 111-12; *but see, e.g.*, Letter from Nina Beety to Marlene Dortch, Secretary, FCC, WT Docket No. 17-79 at 5 (filed Sept. 17, 2018) (Nina Beety Sept. 17, 2018 *Ex Parte* Letter) (asserting that providers artificially under-capitalize their deployment budgets to build the case for poverty).

<sup>197</sup> Letter from Larry Hanson, Executive Director, Georgia Municipal Association to Marlene Dortch, Secretary, FCC, WT Docket No. 17-79, at 1-2 (filed Sept. 17, 2018) (Georgia Municipal Association Sept. 17, 2018 *Ex Parte* Letter).

<sup>198</sup> 47 U.S.C. § 253(a).

<sup>199</sup> *See, e.g., Wireless Infrastructure Second R&O*, FCC 18-30, at para. 64. In addition, although one could argue that, in theory, a sufficiently small departure from actual and reasonable costs might not have the effect of prohibiting service in a particular instance, the record does not reveal an alternative, administrable approach to evaluating fees without a cost-based focus.

jurisdiction.<sup>200</sup> In other cases, where it is essential for a provider to deploy in a given area, the fees charged in that geographic area can deprive providers of capital needed to deploy elsewhere, and lead to reduced or forgone near-term deployment of Small Wireless Facilities in other geographic areas.<sup>201</sup> In both of those scenarios the bottom-line outcome on the national development of 5G networks is the same—diminished deployment of Small Wireless Facilities critical for wireless service and building out 5G networks.<sup>202</sup>

66. Some have argued that our decision today regarding Sections 253 and 332 should not be applied to preempt agreements (or provisions within agreements) entered into prior to this Declaratory Ruling.<sup>203</sup> We note that courts have upheld the Commission’s preemption of the enforcement of provisions in private agreements that conflict with our decisions<sup>204</sup> We therefore do not exempt existing agreements (or particular provisions contained therein) from the statutory requirements that we interpret here. That said, however, this Declaratory Ruling’s effect on any particular existing agreement will depend upon all the facts and circumstances of that specific case.<sup>205</sup> Without examining the particular features of an agreement, including any exchanges of value that might not be reflected by looking at fee provisions alone, we cannot state that today’s decision does or does not impact any particular agreement entered into before this decision.

67. *Relationship to Section 332.* While the above analysis focuses on the text and structure of the Act, legislative history, Commission orders, and case law interpreting Section 253(a), we reiterate that in the fee context, as elsewhere, the statutory phrase “prohibit or have the effect of prohibiting” in Section 332(c)(7)(B)(i)(II) has the same meaning as the phrase “prohibits or has the effect of prohibiting” in Section 253(a). As noted in the prior section, there is no evidence to suggest that Congress intended for virtually identical language to have different meanings in the two provisions.<sup>206</sup> Instead, we find it

<sup>200</sup> See, e.g., AT&T June 8, 2018 *Ex Parte* Letter at 1-2; Crown Castle June 7, 2018 *Ex Parte* Letter at 2.

<sup>201</sup> AT&T June 8, 2018 *Ex Parte* Letter at 1-2; Crown Castle June 7, 2018 *Ex Parte* Letter at 2; Verizon June 21, 2018 *Ex Parte* Letter at 2; CCA July 16, 2018 *Ex Parte* Letter at 2-3.

<sup>202</sup> See, e.g., Letter from Thomas J. Navin, Counsel to Corning, Inc. to Marlene Dortch, Secretary, FCC, WT Docket No. 17-79 (filed Jan 25, 2018), Attach. at 6-7 (comparing different effects on deployment between a base case and a high fee case, and estimating that pole attachment fees nationwide assuming high fees would result in 28.2M fewer premises passed, or 31 percent of the 5G Base case results, and an associated \$37.9B in forgone network deployment).

<sup>203</sup> City of San Jose Sept. 18, 2018 *Ex Parte* Letter at 1-2.

<sup>204</sup> See, e.g., *Building Owners and Managers Ass’n Int’l v. FCC*, 254 F.3d 89 (D.C. Cir. 2001) (OTARD rules barring exclusivity provisions in lease agreements). As the D.C. Circuit has recognized, “[w]here the Commission has been instructed by Congress to prohibit restrictions on the provision of a regulated means of communication, it may assert jurisdiction over a party that directly furnishes those restrictions, and, in so doing, the Commission may alter property rights created under State law.” *Id.* at 96; see also *Lansdowne on the Potomac Homeowners Ass’n v. OpenBand at Lansdowne, LLC*, 713 F.3d 187 (4th Cir. 2013).

<sup>205</sup> For example, the City of Los Angeles asserts that fee provisions in its agreements with providers are not prohibitory and must be examined in light of a broader exchange of value contemplated by the agreements in their entirety. Letter from Eric Garcetti, Mayor, City of Los Angeles to the Hon. Ajit Pai, Chairman, FCC, WT Docket No. 17-79 (filed Sept 18, 2018). We agree that agreements entered into before this decision will need to be examined in light of their potentially unique circumstances before a decision can be reached about whether those agreements or any particular provisions in those agreements are or are not impacted by today’s FCC decision.

<sup>206</sup> We reject the claims of some commenters that Section 332(c)(7)(B)(i)(II) is limited exclusively to decisions on individual requests and therefore must be interpreted differently than Section 253(a). See, e.g., San Francisco Comments at 24-26. Section 332(c)(7)(B)(i) explicitly applies to “regulation of the placement, construction, and modification,” and it would be irrational to interpret “regulation” in that paragraph to mean something different from the term “regulation” as used in 253(a) or to find that it does not encompass generally applicable “regulations” as well as decisions on individual applications. Moreover, even assuming *arguendo* that San Francisco’s position reflects the appropriate interpretation of the scope of Section 332(c)(7)(B)(i)(II), the record does not reveal why a



more reasonable to conclude that the language in both sections generally should be interpreted to have the same meaning and to reflect the same standard, including with respect to preemption of fees that could “prohibit” or have “the effect of prohibiting” the provision of covered service. Both sections were enacted to address concerns about state and local government practices that undermined providers’ ability to provide covered services, and both bar state or local conduct that prohibits or has the effect of prohibiting service.

68. To be sure, Sections 253 and 332(c)(7) may relate to different categories of state and local fees. Ultimately, we need not resolve here the precise interplay between Sections 253 and 332(c)(7). It is enough for us to conclude that, collectively, Congress intended for the two provisions to cover the universe of fees charged by state and local governments in connection with the deployment of telecommunications infrastructure. Given the analogous purposes of both sections and the consistent language used by Congress, we find the phrase “prohibit or have the effect of prohibiting” in Section 332(c)(7)(B)(i)(II) should be construed as having the same meaning and governed by the same preemption standard as the identical language in Section 253(a).<sup>207</sup>

69. *Application of the Interpretations and Principles Established Here.* Consistent with the interpretations above, the requirement that compensation be limited to a reasonable approximation of objectively reasonable costs and be non-discriminatory applies to all state and local government fees paid in connection with a provider’s use of the ROW to deploy Small Wireless Facilities including, but not limited to, fees for access to the ROW itself, and fees for the attachment to or use of property within the ROW owned or controlled by the government (*e.g.*, street lights, traffic lights, utility poles, and other infrastructure within the ROW suitable for the placement of Small Wireless Facilities). This interpretation applies with equal force to any fees reasonably related to the placement, construction, maintenance, repair, movement, modification, upgrade, replacement, or removal of Small Wireless Facilities within the ROW, including, but not limited to, application or permit fees such as siting applications, zoning variance applications, building permits, electrical permits, parking permits, or excavation permits.

70. Applying the principles established in this Declaratory Ruling, a variety of fees not reasonably tethered to costs appear to violate Sections 253(a) or 332(c)(7) in the context of Small Wireless Facility deployments.<sup>208</sup> For example, we agree with courts that have recognized that gross

(Continued from previous page) \_\_\_\_\_  
distinction between broadly-applicable requirements and decisions on individual requests would call for a materially different analytical approach, even if it arguably could be relevant when evaluating the application of that analytical approach to a particular preemption claim. In addition, although some commenters assert that such an interpretation “would make it virtually impossible for local governments to enforce their zoning laws with regard to wireless facility siting,” they provide no meaningful explanation why that would be the case. *See, e.g.*, San Francisco Reply at 16. While some local commenters note that the savings clauses in Section 253(b) and (c) do not have express counterparts in the text of Section 332(c)(7)(B)(i), *see, e.g.*, San Francisco Comments at 26, we are not persuaded that this compels a different interpretation of the virtually identical language restricting actual or effective prohibitions of service in Section 253(a) and Section 332(c)(7)(B)(i)(II), particularly given our reliance on considerations in addition to the savings clauses themselves when interpreting the “effective prohibition” language. *See supra* paras. 57-65. We offer these interpretations both to respond to comments and in the event that some court decision could be viewed as supporting a different result.

<sup>207</sup> Section 253(a) expressly addresses state or local activities that prohibit or have the effect of prohibiting “any entity” from providing a telecommunications service. 47 U.S.C. § 253(a). In the *2009 Declaratory Ruling*, the Commission likewise interpreted Section 332(c)(7)(B)(i)(II) as implicated where the state or local conduct prohibits or has the effect of prohibiting the provision of personal wireless service by one entity even if another entity already is providing such service. *See 2009 Declaratory Ruling*, 24 FCC Rcd at 14016-19, paras. 56-65.

<sup>208</sup> We acknowledge that a fee not calculated by reference to costs might nonetheless happen to land at a level that is a reasonable approximation of objectively reasonable costs, and otherwise constitute fair and reasonable compensation as we describe herein. If all these criteria are met, the fee would not be preempted.

revenue fees generally are not based on the costs associated with an entity's use of the ROW,<sup>209</sup> and where that is the case, are preempted under Section 253(a). In addition, although we reject calls to preclude a state or locality's use of third party contractors or consultants, or to find all associated compensation preempted,<sup>210</sup> we make clear that the principles discussed herein regarding the reasonableness of cost remain applicable. Thus, fees must not only be limited to a reasonable approximation of costs, but in order to be reflected in fees, the *costs themselves* must also be reasonable. Accordingly, any unreasonably high costs, such as excessive charges by third party contractors or consultants, may not be passed on through fees even though they are an actual "cost" to the government. If a locality opts to incur unreasonable costs, Sections 253 and 332(c)(7) do not permit it to pass those costs on to providers. Fees that depart from these principles are not saved by Section 253(c), as we discuss below.

71. *Interpretation of Section 253(c) in the Context of Fees.* In this section, we turn to the interpretation of several provisions in Section 253(c), which provides that state or local action that otherwise would be subject to preemption under Section 253(a) may be permissible if it meets specified criteria. Section 253(c) expressly provides that state or local governments may require telecommunications providers to pay "fair and reasonable compensation" for use of public ROWs but requires that the amounts of any such compensation be "competitively neutral and nondiscriminatory" and "publicly disclosed."<sup>211</sup>

72. We interpret the ambiguous phrase "fair and reasonable compensation," within the statutory framework we outlined for Section 253, to allow state or local governments to charge fees that recover a reasonable approximation of the state or local governments' actual and reasonable costs. We conclude that an appropriate yardstick for "fair and reasonable compensation," and therefore an indicator of whether a fee violates Section 253(c), is whether it recovers a reasonable approximation of a state or local government's objectively reasonable costs of, respectively, maintaining the ROW, maintaining a structure within the ROW, or processing an application or permit.<sup>212</sup>

73. We disagree with arguments that "fair and reasonable compensation" in Section 253(c) should somehow be interpreted to allow state and local governments to charge "any compensation," and we give weight to BDAC comments that, "[a]s a policy matter, the Commission should recognize that local fees designed to maximize profit are barriers to deployment."<sup>213</sup> Several commenters argue, in

---

<sup>209</sup> See, e.g., *Municipality of Guayanilla*, 450 F.3d at 21; *City of Maryland Heights*, 256 F. Supp. 2d at 993-96; *Prince George's County*, 49 F. Supp. 2d at 818; *AT&T v. City of Dallas*, 8 F. Supp. 2d at 593; see also, e.g., CTIA Comments at 30, 45; *id.* Attach. at 17; ExteNet Comments, Exh. 1 at 41; T-Mobile Comments at 7; WIA Comments at 52-53.

<sup>210</sup> See, e.g., CCA Comments at 17-21 (asking the Commission to declare franchise fees or percentage of revenue fees outside the scope of fair and reasonable compensation and to prohibit state and localities from requiring service providers to obtain business licenses for individual cell sites). For example, although fees imposed by a state or local government calculated as a percentage of a provider's revenue are unlikely to be a reasonable approximation of cost, if such a percentage-of-revenue fee were, in fact, ultimately shown to amount to a reasonable approximation of costs, the fee would not be preempted.

<sup>211</sup> 47 U.S.C. § 253(c).

<sup>212</sup> *Guayanilla District Ct. Opinion*, 354 F. Supp. 2d at 114 ("fees charged by a municipality need to be related to the degree of actual use of the public rights-of way" to constitute fair and reasonable compensation under Section 253(c)); *New Jersey Payphone Ass'n, Inc. v. Town of West New York*, 130 F. Supp. 2d 631, 638 (D.N.J. 2001), *aff'd* 299 F. 3d 235 (3d Cir. 2002) (*New Jersey Payphone*) ("Plainly, a fee that does more than make a municipality whole is not compensatory in the literal sense, and risks becoming an economic barrier to entry.")

<sup>213</sup> BDAC Regulatory Barriers Report, Appendix C, p. 3 (a "[ROW] burden-oriented [fee] standard is flexible enough to suit varied localities and network architectures, would ensure that fees are not providing additional

particular, that Section 253(c)'s language must be read as permitting localities latitude to charge any fee at all<sup>214</sup> or a "market-based rent."<sup>215</sup> Many of these arguments seem to suggest that Section 253 or 332 have not previously been read to impose limits on fees, but as noted above courts have long read these provisions as imposing such limits. Still others argue that limiting the fees state and local governments may charge amounts to requiring taxpayers to subsidize private companies' use of public resources.<sup>216</sup> We find little support in the record, legislative history, or case law for that position.<sup>217</sup> Indeed, our

(Continued from previous page) \_\_\_\_\_

revenues for other localities purposes unrelated to providing and maintaining the ROW, and would provide some basis to challenge fees that, on their face, are so high as to suggest their sole intent is to maximize revenue.")

<sup>214</sup> See, e.g., Baltimore Comments at 15-16 (noting that local governments traditionally impose fees based on rent, and other ROW users pay market-based fees and arguing that citizens should not have to "subsidize" wireless deployments); Bellevue *et al.* Reply at 12-13 (stating that "the FCC should compensate municipalities at fair market value because any physical invasion is a taking under the Fifth Amendment, and just compensation is "typically" calculated using fair market value."); NLC Comments at 5 ("local governments, like private landlords, are entitled to collect rent for the use of their property and have a duty to their residents to assess appropriate compensation. This does not necessarily translate to restricting this compensation to just the cost of managing the asset—just as private property varies in value, so does municipal property."); Smart Communities Reply at 7-10 (stating that "fair and reasonable compensation (i.e., fair market value) is not, as some commenters contend, measured by the regulatory cost for use of a ROW or other property; rather it is measured by what it would cost the user of the ROW to purchase rights from a local property owner.").

<sup>215</sup> Draft BDAC Rates and Fees Report, p. 10 (listing "Local Government Perspectives").

<sup>216</sup> See, e.g., NLC Comments, Statement of the Hon. Gary Resnick, Mayor, Wilton Manors, FL Comments at 6-7 ("preemption of local fees or rent for use of government-owned light and traffic poles, or fees for use of the right-of-way amounts to a taxpayer subsidy of wireless providers and wireless infrastructure companies. There is no corresponding benefit for such taxpayers such as requiring the broadband industry to reduce consumer rates or offer advanced services to all communities within a certain time frame."); Letter from Rondella M. Hawkins, Officer, City of Austin—Telecommunications & Regulatory Affairs, to Marlene Dortch, Secretary, FCC, WT Docket No. 17-79 (filed Aug. 7, 2018) at 1. These commenters do not explain why allowing recovery of a reasonable approximation of the state or locality's objectively reasonable costs would involve a taxpayer subsidy of service providers, and we are not persuaded that our interpretation would create a subsidy.

<sup>217</sup> As discussed more fully above, Congress intended through Section 253 to preempt state and local governments from imposing barriers in the form of excessive fees, while also preserving state and local authority to protect specified interests through competitively neutral regulation consistent with the Act. Our interpretation of Section 253(c) is consistent with Congress's objectives. Our interpretation of "fair and reasonable compensation" in Section 253(c) is also consistent with prior Commission action limiting fees, and easing access, to other critical communications infrastructure. For example, in implementing the requirement in the Pole Attachment Act that utilities charge "just and reasonable" rates, the Commission adopted rules limiting the rates utilities can impose on cable companies for pole attachments. Based on the costs associated with building and operation of poles, the rates the Commission adopted were upheld by the Supreme Court, which found that the rates imposed were permissible and not "confiscatory" because they "provid[ed] for the recovery of fully allocated cost, including the actual cost of capital." See *FCC v. Florida Power Corp.*, 480 U.S. 245, 254 (1987). Here, based on the specific language in the separate provision of Section 253, we interpret the "effective prohibition" language, as applied to small cells, to permit state and local governments to recover only "fair and reasonable compensation" for their maintenance of ROW and government-owned structures within ROW used to host Small Wireless Facilities. Relatedly, Smart Communities errs in arguing that the Commission's Order "provides localities 60 days to provide access and sets the rate for access," making it a "classic taking." Smart Communities Sept. 19, 2018 *Ex Parte* Letter at 25. To the contrary, the Commission has not given providers any right to compel access to any particular state or local property. Cf. *Loretto v. Teleprompter Manhattan CATV Corp.*, 458 U.S. 419 (1982). There may well be legitimate reasons for states and localities to deny particular placement applications, and adjudication of whether such decisions amount to an effective prohibition must be resolved on a case-by-case basis. In this regard, we note that the record in this proceeding reflects that the vast majority of local jurisdictions voluntarily accept placement of wireless, utility, and other facilities in their rights-of-way. And in any event, cost-based recovery of the type we provide here has been approved as just compensation for takings purposes in the context of such facilities. See *Alabama Power Co. v. FCC*, 311 F.3d 1357, 1368, 1370-71 (11th Cir. 2002). See also *United States v. 564.54 Acres*

approach to compensation ensures that cities are not going into the red to support or subsidize the deployment of wireless infrastructure.

74. The existence of Section 253(c) makes clear that Congress anticipated that “effective prohibitions” could result from state or local government fees, and intended through that clause to provide protections in that respect, as discussed in greater detail herein.<sup>218</sup> Against that backdrop, we find it unlikely that Congress would have left providers entirely at the mercy of effectively unconstrained requirements of state or local governments.<sup>219</sup> Our interpretation of Section 253(c), in fact, is consistent with the views of many municipal commenters, at least with respect to one-time permit or application fees, and the members of the BDAC Ad Hoc Committee on Rates and Fees, who unanimously concurred that one-time fees for municipal applications and permits, such as an electrical inspection or a building permit, should be based on the cost to the government of processing that application.<sup>220</sup> The Ad Hoc Committee noted that “[the] cost-based fee structure [for one-time fees] unanimously approved by the committee accommodates the different siting related costs that different localities may incur to review and process permit applications, while precluding excessive fees that impede deployment.<sup>221</sup> We find that the same reasoning should apply to other state and local government fees such as ROW access fees or fees for the use of government property within the ROW.<sup>222</sup>

75. We recognize that state and local governments incur a variety of direct and actual costs in connection with Small Wireless Facilities, such as the cost for staff to review the provider’s siting application, costs associated with a provider’s use of the ROW, and costs associated with maintaining the ROW itself or structures within the ROW to which Small Wireless Facilities are attached.<sup>223</sup> We also recognize that direct and actual costs may vary by location, scope, and extent of providers’ planned deployments, such that different localities will have different fees under the interpretation set forth in this Declaratory Ruling.

(Continued from previous page) \_\_\_\_\_  
*of Land*, 441 U.S. 506, 513 (1979) (recognizing that alternative measure of compensation might be appropriate “with respect to public facilities such as roads or sewers”).

<sup>218</sup> See *supra* Parts III.A, B.

<sup>219</sup> See, e.g., *City of White Plains*, 305 F.3d at 78-79; *Guayanilla District Ct. Opinion*, 354 F. Supp. 2d at 114. We disagree with arguments that competition between municipalities, or competition from adjacent private landowners, would be sufficient to ensure reasonable pricing in the ROW. See e.g., Smart Communities Comments, Exh. 2, The Economics of Government Right of Way Fees, Declaration of Kevin Cahill, Ph.D at para. 15. We find this argument unpersuasive in view of the record evidence in this proceeding showing significant fees imposed on providers in localities across the country. See, e.g., AT&T Comments at 18; Verizon Comments at 6-7; see also BDAC Regulatory Barriers Report, Appendix. C, p. 2.

<sup>220</sup> See, e.g., Smart Communities Comments Cahill 2A at 2-3 (noting that “...a common model is to charge a fee that covers the costs that a municipality incurs in conducting the inspections and proceedings required to allow entry, fees that cover ongoing costs associated with inspection or expansion of facilities ...”); Colorado Comm. and Utility All. *et al.* Comments at 19 (noting that “application fees are based upon recovery of costs incurred by localities.”); Draft BDAC Rates and Fees Report, p. 15-16.

<sup>221</sup> See also Draft BDAC Rates and Fees Report, p. 15-16. Although the BDAC Ad Hoc Rates and Fees Committee and municipal commenters only support a cost-based approach for one-time fees, we find no reason not to extend the same reasoning to ROW access fees or fees for the use of government property within the ROW, when all three types of fees are a legal requirement imposed by a government and pose an effective prohibition. The BDAC Rates and Fees Report did not provide a recommendation on fees for ROW access or fees for the use of government property within the ROW, and we disagree with suggestions that our ruling, which was consistent with the committee’s recommendation for one-time fees, circumvents the efforts of the Ad Hoc Rates and Fees Committee. See Georgia Municipal Association Sept. 17, 2018 *Ex Parte* Letter at 3.

<sup>222</sup> See *supra* para. 50.

<sup>223</sup> See, e.g., Colorado Comm. and Utility All. *et al.* Comments at 18-19 (discussing range of costs that application fees cover).

76. Because we interpret fair and reasonable compensation as a *reasonable approximation* of costs, we do not suggest that localities must use any specific accounting method to document the costs they may incur when determining the fees they charge for Small Wireless Facilities within the ROW. Moreover, in order to simplify compliance, when a locality charges both types of recurring fees identified above (i.e., for access to the ROW and for use of or attachment to property in the ROW), we see no reason for concern with how it has allocated costs between those two types of fees. It is sufficient under the statute that the total of the two recurring fees reflects the total costs involved.<sup>224</sup> Fees that cannot ultimately be shown by a state or locality to be a reasonable approximation of its costs, such as high fees designed to subsidize local government costs in another geographic area or accomplish some public policy objective beyond the providers' use of the ROW, are not "fair and reasonable compensation...for use of the public rights-of-way" under Section 253(c).<sup>225</sup> Likewise, we agree with both industry and municipal commenters that excessive and arbitrary consulting fees or other costs should not be recoverable as "fair and reasonable compensation,"<sup>226</sup> because they are not a function of the provider's "use" of the public ROW.

77. In addition to requiring that compensation be "fair and reasonable," Section 253(c) requires that it be "competitively neutral and nondiscriminatory." The Commission has previously interpreted this language to prohibit states and localities from charging fees on new entrants and not on incumbents.<sup>227</sup> Courts have similarly found that states and localities may not impose a range of fees on one provider but not on another<sup>228</sup> and even some municipal commenters acknowledge that governments should not discriminate as to the fees charged to different providers.<sup>229</sup> The record reflects continuing concerns from providers, however, that they face discriminatory charges.<sup>230</sup> We reiterate the Commission's previous determination that state and local governments may not impose fees on some providers that they do not impose on others. We would also be concerned about fees, whether one-time or recurring, related to Small Wireless Facilities, that exceed the fees for other wireless telecommunications infrastructure in similar situations, and to the extent that different fees are charged

---

<sup>224</sup> See *supra* note 71 (identifying three categories of fees charged by states and localities).

<sup>225</sup> 47 U.S.C. § 253(c) (emphasis added). Our interpretation is consistent with court decisions interpreting the "fair and reasonable" compensation language as requiring fees charged by municipalities relate to the degree of actual use of a public ROW. See, e.g., *Puerto Rico Tel. Co. v. Municipality of Guayanilla*, 283 F. Supp. 2d 534, 543-44 (D.P.R. 2003); see also *Municipality of Guayanilla*, 450 F.3d at 21-24; *City of Maryland Heights*, 256 F. Supp. 2d at 984.

<sup>226</sup> See Letter from Ashton J. Hayward III, Mayor, Pensacola, FL to the Hon. Brendan Carr, Commissioner, WT Docket No. 17-79 at 1 (filed June 8, 2018); see also, Illinois Municipal League Comments at 2 (noting that proposed small cell legislation in Illinois allows municipalities to recover "reasonable costs incurred by the municipality in reviewing the application.").

<sup>227</sup> *TCI Cablevision of Oakland County*, 12 FCC Rcd. at 21443, para. 108 (1997).

<sup>228</sup> *City of White Plains*, 305 F.3d 80.

<sup>229</sup> City of Baltimore Reply at 15 ("The City does agree that rates to access the right of way by similar entities must be nondiscriminatory."). Other commenters argue that nothing in Section 253 can apply to property in the ROW. City of San Francisco Reply at 2-3, 19 (denying that San Francisco is discriminatory to different providers but also asserting that "[l]ocal government fees for use of their poles are simply beyond the purview of section 253(c)").

<sup>230</sup> See, e.g., CFP Comments at 31-33 (noting that the City of Baltimore charges incumbent Verizon "less than \$.07 per linear foot for the space that it leases in the public right-of-way" while it charges other providers "\$3.33 per linear foot to lease space in the City's conduit). Some municipal commenters argue that wireless infrastructure occupies more space in the ROW. See Smart Communities Reply Comments at 82 ("wireless providers are placing many of those permanent facilities in the public rights-of-way, in ways that require much larger deployments. It is not discrimination to treat such different facilities differently, and to focus on their impacts"). We recognize that different uses of the ROW may warrant charging different fees, and we only find fees to be discriminatory and not competitively neutral when different amounts are charged for similar uses of the ROW.

for similar use of the public ROW.<sup>231</sup>

78. *Fee Levels Likely to Comply with Section 253.* Our interpretation of Section 253(a) and “fair and reasonable compensation” under Section 253(c) provides guidance for local and state fees charged with respect to one-time fees generally, and recurring fees for deployments in the ROW. Following suggestions for the Commission to “establish a presumptively reasonable ‘safe harbor’ for certain ROW and use fees,”<sup>232</sup> and to facilitate the deployment of specific types of infrastructure critical to the rollout of 5G in coming years, we identify in this section three particular types of fee scenarios and supply specific guidance on amounts that presumptively are not prohibited by Section 253. Informed by our review of information from a range of sources, we conclude that fees at or below these amounts presumptively do not constitute an effective prohibition under Section 253(a) or Section 332(c)(7), and are presumed to be “fair and reasonable compensation” under Section 253(c).

79. Based on our review of the Commission’s pole attachment rate formula, which would require fees below the levels described in this paragraph, as well as small cell legislation in twenty states, local legislation from certain municipalities in states that have not passed small cell legislation, and comments in the record, we presume that the following fees would not be prohibited by Section 253 or Section 332(c)(7): (a) \$500 for non-recurring fees, including a single up-front application that includes up to five Small Wireless Facilities, with an additional \$100 for each Small Wireless Facility beyond five, or \$1,000 for non-recurring fees for a new pole (*i.e.*, not a collocation) intended to support one or more Small Wireless Facilities; and (b) \$270 per Small Wireless Facility per year for all recurring fees, including any possible ROW access fee or fee for attachment to municipally-owned structures in the ROW.<sup>233</sup>

80. By presuming that fees at or below the levels above comply with Section 253, we assume

---

<sup>231</sup> Our interpretation is consistent with principles described by the BDAC’s Ad Hoc Committee on Rates and Fees. Draft BDAC Rates and Fees Report at 5 (Jul. 24, 2018) (listing “neutral treatment and access of all technologies and communication providers based upon extent/nature of ROW use” as principle to guide evaluation of rates and fees).

<sup>232</sup> BDAC Regulatory Barriers Report, Appendix C, p. 3.

<sup>233</sup> These presumptive fee limits are based on a number of different sources of data. Many different state small cell bills, in particular, adopt similar fee limits despite their diversity of population densities and costs of living, and we expect that these presumptive fee limits will allow for recovery in excess of costs in many cases. 47 CFR § 1.1409; National Conference of State Legislatures, *Mobile 5G and Small Cell Legislation*, (May 7, 2018), <http://www.ncsl.org/research/telecommunications-and-information-technology/mobile-5g-and-small-cell-legislation.aspx> (providing description of state small cell legislation); Little Rock, Ark. Ordinance No. 21,423 (June 6, 2017); NCTA August 20, 2018 *Ex Parte* Letter, Attachment; *see also* H.R. 2365, 2018 Leg. 2d Reg. Sess. (Ariz. 2018) (\$100 per facility for first 5 small cells in application; \$50 annual utility attachment rate, \$50 ROW access fee); H.R. 189 149<sup>th</sup> Gen. Assemb. Reg. Sess. (Del. 2017) (\$100 per small wireless facility on application; fees not to exceed actual, direct and reasonable cost); S. 21320<sup>th</sup> Gen. Assemb. Reg. Sess. (Ind. 2017) (\$100 per small wireless facility); H.R. 1991, 99<sup>th</sup> Gen. Assemb. 2<sup>nd</sup> Reg. Sess. (Missouri, 2018) (\$100 for each facility collocated on authority pole; \$150 annual fee per pole); H.R. 38 2018 Leg. Assemb. 2d Reg. Sess. (N.M. 2018) (\$100 for each of first 5 small facilities in an application; \$20 per pole annually; \$250 per facility annually for access to ROW); S. 189, 2018 Leg. Gen. Sess. (Utah 2018) (\$100 per facility to collocate on existing or replacement utility pole; \$250 annual ROW fee per facility for certain attachments). *See also* Letter from Kara R. Graves, Director, Regulatory Affairs, CTIA, and D. Zachary Champ, Director, Government Affairs, WIA to Marlene Dortch, Secretary, FCC, WT Docket No. 17-79 (filed Aug. 10, 2018) Attach. (listing fees in twenty state small cell legislations) (CTIA/WIA Aug. 10, 2018 *Ex Parte* Letter); Letter from Scott K. Bergmann, Sen. Vice President, Regulatory Affairs, CTIA to Marlene H. Dortch, Secretary, FCC, WT Docket No. 17-79 (filed Sept. 4, 2018) at 3, Attach. (analyzing average and median recurring fee levels permitted under state legislation). These examples suggest that the fee levels we discuss above may be higher than what many states already allow and further support our finding that there should be only very limited circumstances in which localities can charge higher fees consistent with the requirements of Section 253. We recognize that certain fees in a minority of state small cell bills are above the levels we presume to be allowed under Section 253. Any party may still charge fees above the levels we identify by demonstrating that the fee is a reasonable approximation of cost that itself is objectively reasonable.

that there would be almost no litigation by providers over fees set at or below these levels. Likewise, our review of the record, including the many state small cell bills passed to date, indicate that there should be only very limited circumstances in which localities can charge higher fees consistent with the requirements of Section 253. In those limited circumstances, a locality could prevail in charging fees that are above this level by showing that such fees nonetheless comply with the limits imposed by Section 253—that is, that they are (1) a reasonable approximation of costs, (2) those costs themselves are reasonable, and (3) are non-discriminatory.<sup>234</sup> Allowing localities to charge fees above these levels upon this showing recognizes local variances in costs.<sup>235</sup>

### C. Other State and Local Requirements that Govern Small Facilities Deployment

81. There are also other types of state and local land-use or zoning requirements that may restrict Small Wireless Facility deployments to the degree that they have the effect of prohibiting service in violation of Sections 253 and 332. In this section, we discuss how those statutory provisions apply to requirements outside the fee context, both generally and with a particular focus on aesthetic and undergrounding requirements.

82. As discussed above, a state or local legal requirement constitutes an effective prohibition if it “materially limits or inhibits the ability of any competitor or potential competitor to compete in a fair and balanced legal and regulatory environment.”<sup>236</sup> Our interpretation of that standard, as set forth above, applies equally to fees and to non-fee legal requirements. And as with fees, Section 253 contains certain safe harbors that permit some legal requirements that might otherwise be preempted by Section 253(a). Section 253(b) saves state “requirements necessary to preserve and advance universal service, protect the public safety and welfare, ensure the continued quality of telecommunications services, and safeguard the rights of consumers.”<sup>237</sup> And Section 253(c) preserves state and local authority to manage the public rights-of-way.<sup>238</sup>

83. Given the wide variety of possible legal requirements, we do not attempt here to determine which of every possible non-fee legal requirements are preempted for having the effect of prohibiting service, although our discussion of fees above should prove instructive in evaluating specific requirements. Instead, we focus on some specific types of requirements raised in the record and provide guidance on when those particular types of requirements are preempted by the statute.

84. *Aesthetics.* The *Wireless Infrastructure NPRM/NOI* sought comment on whether deployment restrictions based on aesthetic or similar factors are widespread and, if so, how Sections 253 and 332(c)(7) should be applied to them.<sup>239</sup> Parties describe a wide range of such requirements that allegedly restrict deployment of Small Wireless Facilities. For example, many providers criticize

---

<sup>234</sup> Several state and local commenters express concern about the presumptively reasonable fee levels we establish, including concerns about the effect of the fee levels on existing fee-related provisions included in state and local legislation. *See e.g.*, Letter from Kent Scarlett, Exec. Director, Ohio Municipal League to Marlene H. Dortch, Secretary, FCC at 1 (filed Sept. 18, 2018); Letter from Liz Kniss, Mayor, City of Palo Alto to Marlene H. Dortch, Secretary, FCC, WT Docket No. 17-79, WC Docket No. 17-84 at 1 (filed Sept. 17, 2018). As stated above, while the fee levels we establish reflect our presumption regarding the level of fees that would be permissible under Section 253 and 332(c)(7), state or local fees that exceed these levels may be permissible if the fees are based on a reasonable approximation of costs and the costs themselves are objectively reasonable.

<sup>235</sup> We emphasize that localities may charge fees to recover their objectively reasonable costs and thus reject arguments that our approach requires localities to bear the costs of small cell deployment or applies a one-size-fits-all standard. *See, e.g.*, Letter from Mike Posey, Mayor, City of Huntington Beach, to Marlene Dortch, Secretary, FCC, WT Docket No. 17-79, at 1-2 (filed Sept. 11, 2018) (Mike Posey Sept. 11, 2018 *Ex Parte* Letter).

<sup>236</sup> *California Payphone*, 12 FCC Rcd at 14206, para. 31; *see supra* paras. 34-42.

<sup>237</sup> 47 U.S.C. § 253(b).

<sup>238</sup> 47 U.S.C. § 253(c).

<sup>239</sup> *Wireless Infrastructure NPRM/NOI*, 32 FCC Rcd at 3362-66, paras. 90-92, 95, 97-99.

burdensome requirements to deploy facilities using “stealth” designs or other means of camouflage,<sup>240</sup> as well as unduly stringent mandates regarding the size of equipment, colors of paint, and other details.<sup>241</sup> Providers also assert that the procedures some localities use to evaluate the appearance of proposed facilities and to decide whether they comply with applicable land-use requirements are overly restrictive.<sup>242</sup> Many providers are particularly critical of the use of unduly vague or subjective criteria that may apply inconsistently to different providers or are only fully revealed after application, making it impossible for providers to take these requirements into account in their planning and adding to the time necessary to deploy facilities.<sup>243</sup> At the same time, we have heard concerns in the record about carriers deploying unsightly facilities that are significantly out of step with similar, surrounding deployments.

85. State and local governments add that many of their aesthetic restrictions are justified by factors that the providers fail to mention. They assert that their zoning requirements and their review and enforcement procedures are properly designed to, among other things, (1) ensure that the design, appearance, and other features of buildings and structures are compatible with nearby land uses; (2) manage ROW so as to ensure traffic safety and coordinate various uses; and (3) protect the integrity of

---

<sup>240</sup> See, e.g., CCIA Comments at 14-15 (discussing regulations enacted by Village of Skokie, Illinois); WIA Reply Comments (WT Docket No. 16-421) at 9-10 (discussing restrictions imposed by Town of Hempstead, New York); see also AT&T Comments at 14-17; PTA-FLA Comments at 19; Verizon Comments at 19-20; AT&T Aug. 6, 2018 *ex parte* at 3.

<sup>241</sup> See, e.g., CCIA Comments at 13-14 (describing regulations established by Skokie, Illinois that prescribe in detail the permissible colors of paint and their potential for reflecting light); AT&T Aug. 6, 2018 *ex parte* at 3 (“Some municipalities require carriers to paint small cell cabinets a particular color when like requirements were not imposed on similar equipment placed in the ROW by electric incumbents, competitive telephone companies, or cable companies,” and asserts that it often “is highly burdensome to maintain non-factory paint schemes over years or decades, including changes to the municipal paint scheme,” due to “technical constraints as well such as manufacture warranty or operating parameters, such as heat dissipation, corrosion resistance, that are inconsistent with changes in color, or finish.”); AT&T Comments at 16-17 (contending that some localities “allow for a single size and configuration for small cell equipment while requiring case-by-case approval of any non-conforming equipment, even if smaller and upgraded in design and performance,” and thus effectively compel “providers [to] incur the added expense of conforming their equipment designs to the approved size and configuration, even if newer equipment is smaller, to avoid the delays associated with the approval of an alternative equipment design and the risk of rejection of that design.”); *id.* at 17 (some local governments “prohibit the placement of wireless facilities in and around historic properties and districts, regardless of the size of the equipment or the presence of existing more visually intrusive construction near the property or district”).

<sup>242</sup> See, e.g., Crown Castle Comments at 14-15 (criticizing San Francisco’s aesthetic review procedures that discriminate against providers and criteria and referring to extended litigation); CTIA Reply Comments at 17 (“San Francisco imposes discretionary aesthetic review for wireless ROW facilities.”); T-Mobile Comments at 40; *but see* San Francisco Comments at 3-7 (describing aesthetic review procedures). See also AT&T Comments at 13-17; Extenet Comments at 37; CTIA Comments at 21-22; Sprint Comments at 38-40; T-Mobile Comments at 8-12; Verizon Comments at 5-8.

<sup>243</sup> See, e.g., AT&T Comments at 13-17; Sprint Comments at 38-40; T-Mobile Comments at 8-12; Verizon Comments at 5-8. WIA cites allegations that an unnamed city in California recently declined to support approval of a proposed small wireless installation, claiming that the installations do not meet “Planning and Zoning Protected Location Compatibility Standards,” even though the same equipment has been deployed elsewhere in the city dozens of times, and even though the “Protected Location” standards should not apply because the proposals are not on “protected view” streets). WIA Reply Comments, WT Docket No. 16-421 at 9-10; *id.* at 8 (noting that one city changed its aesthetic standards after a proposal was filed); AT&T Comments at 17 (noting that a design approval took over a year); Virginia Joint Commenters, WT Docket No. 16-421 (state law providing discretion for zoning authority to deny application because of “aesthetics” concerns without additional guidance); Extenet Reply Comments at 13 (noting that some “local governments impose aesthetic requirements based entirely on subjective considerations that effectively give local governments latitude to block a deployment for virtually any aesthetically-based reason”).



their historic, cultural, and scenic resources and their citizens' quality of life.<sup>244</sup>

86. Given these differing perspectives and the significant impact of aesthetic requirements on the ability to deploy infrastructure and provide service, we provide guidance on whether and in what circumstances aesthetic requirements violate the Act. This will help localities develop and implement lawful rules, enable providers to comply with these requirements, and facilitate the resolution of disputes. We conclude that aesthetics requirements are not preempted if they are (1) reasonable, (2) no more burdensome than those applied to other types of infrastructure deployments, and (3) objective and published in advance.

87. Like fees, compliance with aesthetic requirements imposes costs on providers, and the impact on their ability to provide service is just the same as the impact of fees. We therefore draw on our analysis of fees to address aesthetic requirements. We have explained above that fees that merely require providers to bear the direct and reasonable costs that their deployments impose on states and localities should not be viewed as having the effect of prohibiting service and are permissible.<sup>245</sup> Analogously, aesthetic requirements that are reasonable in that they are technically feasible and reasonably directed to avoiding or remedying the intangible public harm of unsightly or out-of-character deployments are also permissible. In assessing whether this standard has been met, aesthetic requirements that are more burdensome than those the state or locality applies to similar infrastructure deployments are not permissible, because such discriminatory application evidences that the requirements are not, in fact, reasonable and directed at remedying the impact of the wireless infrastructure deployment. For example, a minimum spacing requirement that has the effect of materially inhibiting wireless service would be considered an effective prohibition of service.

88. Finally, in order to establish that they are reasonable and reasonably directed to avoiding aesthetic harms, aesthetic requirements must be objective—*i.e.*, they must incorporate clearly-defined and ascertainable standards, applied in a principled manner—and must be published in advance.<sup>246</sup> “Secret” rules that require applicants to guess at what types of deployments will pass aesthetic muster substantially increase providers’ costs without providing any public benefit or addressing any public harm. Providers cannot design or implement rational plans for deploying Small Wireless Facilities if they cannot predict in advance what aesthetic requirements they will be obligated to satisfy to obtain permission to deploy a facility at any given site.<sup>247</sup>

---

<sup>244</sup> See, e.g., NLC Comments, WT Docket No. 16-421 at 8-10; Smart Communities Comments, WT Docket No. 16-421 at 35-36; New York City Comments at 10-15; New Orleans Comments at 1-2, 5-8; San Francisco Comments at 3-12; CCUA Reply Comments at 5; Irvine (CA) Comments at 2; Oakland County (MI) Comments at 3-5; Florida Coalition of Local Gov’ts Reply Comments at 6-12 (justifications for undergrounding requirements); *id.* at 16-421 (justifications for municipal historic-preservation requirements); *id.* at 22-16 (justifications for aesthetics and design requirements).

<sup>245</sup> See *supra* paras. 55-56.

<sup>246</sup> Our decision to adopt this objective requirement is supported by the fact that many states have recently adopted limits on their localities’ aesthetic requirements that employ the term “objective.” See, e.g., Letter from Scott Bergmann, Senior Vice President, Regulatory Affairs, CTIA, to Marlene H. Dortch, Secretary, FCC, WT Docket No. 17-79 at 8 (filed Sept. 19, 2018) (noting requirements enacted in the states of Arizona, Delaware, Missouri, North Carolina, Ohio, and Oklahoma, that local siting requirements for small wireless facilities be “objective”); see also Letter from Kara R. Graves, Director, Regulatory Affairs, CTIA, to Marlene H. Dortch, Secretary, FCC, WT Docket No. 17-79 at 8 (filed Sept. 4, 2018).

<sup>247</sup> Some local governments argue that, because different aesthetic concerns may apply to different neighborhoods, particularly those considered historic districts, it is not feasible for them to publish local aesthetic requirements in advance. See, e.g., Letter from Mark J. Schwartz, County Manager, Arlington County, VA, to Marlene H. Dortch, Secretary, FCC, WT Docket No. 17-79, at 2 (Sept. 18, 2018) (Arlington County Sept. 18 *Ex Parte* Letter); Letter from Allison Silberberg, Mayor, City of Alexandria, VA, to Marlene H. Dortch, Secretary, FCC, WT Docket No. 17-79, at 2 (Sept. 18, 2018). We believe this concern is unfounded. As noted above, the fact that our approach here (including the publication requirement) is consistent with that already enacted in many state-level small cell bills supports the feasibility of our decision. Moreover, the aesthetic requirements to be published in advance need not

89. We appreciate that at least some localities will require some time to establish and publish aesthetics standards that are consistent with this Declaratory Ruling. Based on our review and evaluation of commenters' concerns, we anticipate that such publication should take no longer than 180 days after publication of this decision in the Federal Register.

90. *Undergrounding Requirements.* We understand that some local jurisdictions have adopted undergrounding provisions that require infrastructure to be deployed below ground based, at least in some circumstances, on the locality's aesthetic concerns. A number of providers have complained that these types of requirements amount to an effective prohibition.<sup>248</sup> In addressing this issue, we first reiterate that, while undergrounding requirements may well be permissible under state law as a general matter, any local authority to impose undergrounding requirements under state law does not remove such requirements from the provisions of Section 253. In this regard, we believe that a requirement that *all* wireless facilities be deployed underground would amount to an effective prohibition given the propagation characteristics of wireless signals. In this sense, we agree with the U.S. Court of Appeals for the Ninth Circuit when it observed that, "[i]f an ordinance required, for instance, that all facilities be underground and the plaintiff introduced evidence that, to operate, wireless facilities must be above ground, the ordinance would effectively prohibit it from providing services."<sup>249</sup> Further, a requirement that materially inhibits wireless service, even if it does not go so far as requiring that all wireless facilities be deployed underground, also would be considered an effective prohibition of service. Thus, the same criteria discussed above in the context of aesthetics generally would apply to state or local undergrounding requirements.

91. *Minimum Spacing Requirements.* Some parties complain of municipal requirements regarding the spacing of wireless installations—*i.e.*, mandating that facilities be sited at least 100, 500, or 1,000 feet, or some other minimum distance, away from other facilities, ostensibly to avoid excessive overhead "clutter" that would be visible from public areas.<sup>250</sup> We acknowledge that while some such requirements may violate 253(a), others may be reasonable aesthetic requirements.<sup>251</sup> For example, under the principle that any such requirements be reasonable and publicly available in advance, it is difficult to envision any circumstances in which a municipality could reasonably promulgate a new minimum spacing requirement that, in effect, prevents a provider from replacing its preexisting facilities or collocating new equipment on a structure already in use. Such a rule change with retroactive effect would

(Continued from previous page)

prescribe in detail every specification to be mandated for each type of structure in each individual neighborhood. Localities need only set forth the objective standards and criteria that will be applied in a principled manner at a sufficiently clear level of detail as to enable providers to design and propose their deployments in a manner that complies with those standards.

<sup>248</sup> See, e.g., AT&T Comments at 14-15; Crown Castle Comments at 54-56; T-Mobile Comments at 38; Verizon Comments at 6-8; WIA Comments at 56; CTIA Reply at 16. *But see* Chicago Comments at 15; City of Claremont (CA) Comments at 1; City of Kenmore (WA) Comments at 1; City of Mukilteo (WA) Comments at 2; Florida Coalition of Local Gov'ts Comments at 6-12; Smart Communities Comments at 74.

<sup>249</sup> *County of San Diego*, 543 F.3d at 580, *accord*, BDAC Model Municipal Code at 13, § 2.3.e (providing for municipal zoning authority to allow providers to deploy small wireless facilities on existing vertical structures where available in neighborhoods with undergrounding requirements, or if no technically feasible structures exist, to place vertical structures commensurate with other structures in the area).

<sup>250</sup> See, e.g., Verizon Comments at 8 (describing requirements imposed by Buffalo Grove, Illinois); CCIA Comments at 14-15 ("These restrictions stifle technological innovation and unnecessarily burden the ability of a provider to use the best available technological to serve a particular area. For example, 5G technology will require higher band spectrum for greater network capacity, yet some millimeter wave spectrum simply cannot propagate long distances over a few thousand feet—let alone a few hundred. Therefore, a local requirement of, for example, a thousand-foot minimum separation distance between small cells would unnecessarily forestall any network provider seeking to use higher band spectrum with greater capacity when that provider needs to boost coverage in a specific area of a few hundred feet."). See also AT&T Comments at 15; CTIA Reply at 17.

<sup>251</sup> 47 U.S.C. § 253(a).

almost certainly have the effect of prohibiting service under the standards we articulate here. Therefore, such requirements should be evaluated under the same standards for aesthetic requirements as those discussed above.<sup>252</sup>

**D. States and Localities Act in Their Regulatory Capacities When Authorizing and Setting Terms for Wireless Infrastructure Deployment in Public Rights of Way**

92. We confirm that our interpretations today extend to state and local governments' terms for access to public ROW that they own or control, including areas on, below, or above public roadways, highways, streets, sidewalks, or similar property, as well as their terms for use of or attachment to government-owned property within such ROW, such as new, existing and replacement light poles, traffic lights, utility poles, and similar property suitable for hosting Small Wireless Facilities.<sup>253</sup> As explained below, for two alternative and independent reasons, we disagree with state and local government commenters who assert that, in providing or denying access to government-owned structures, these governmental entities function solely as "market participants" whose rights cannot be subject to federal preemption under Section 253(a) or Section 332(c)(7).<sup>254</sup>

93. First, this effort to differentiate between such governmental entities' "regulatory" and "proprietary" capacities in order to insulate the latter from preemption ignores a fundamental feature of the market participant doctrine.<sup>255</sup> As the Ninth Circuit has observed, at its core, this doctrine is "a

---

<sup>252</sup> Another type of restriction that imposes substantial burdens on providers, but does not meaningfully advance any recognized public-interest objective, is an explicit or implicit *quid pro quo* in which a municipality makes clear that it will approve a proposed deployment only on condition that the provider supply an "in-kind" service or benefit to the municipality, such as installing a communications network dedicated to the municipality's exclusive use. See, e.g., Comcast Comments at 9-10 Verizon Comments at 7, Crown Castle Comments at 55-56. Such requirements impose costs, but rarely, if ever, yield benefits directly related to the deployment. Additionally, where such restrictions are not cost-based, they inherently have "the effect of prohibiting" service, and thus are preempted by Section 253(a). See also BDAC Regulatory Barriers Report, Appendix E at 1 (describing "conditions imposed that are unrelated to the project for which they were seeking ROW access" as "inordinately burdensome"); BDAC Model Municipal Code at 19, § 2.5a.(v)(F) (providing that municipal zoning authority "may not require an Applicant to perform services . . . or in-kind contributions [unrelated] to the Communications Facility or Support Structure for which approval is sought").

<sup>253</sup> See *supra* paras. 50-91. Some have argued that Section 224 of the Communications Act's exception of state-owned and cooperative-owned utilities from the definition of "utility," "[a]s used in this section," suggests that Congress did not intend for any other portion of the Act to apply to poles or other facilities owned by such entities. City of Mukilteo, et. al. Ex Parte Comments on the Draft Declaratory Ruling and Third Report and Order, WT Docket No. 17-79, at 1 (filed Sept. 18, 2018); Letter from James Bradford Ramsay, General Counsel, NARUC to Marlene H. Dortch, Secretary, FCC, WT Docket 17-79 at 7 (filed Sept. 19, 2018). We see no basis for such a reading. Nothing in Section 253 suggests such a limited reading, nor does Section 224 indicate that other provisions of the Act do not apply. We conclude that our interpretation of effective prohibition extends to fees for all government-owned property in the ROW, including utility poles. Compare 47 U.S.C. § 224 with 47 U.S.C. § 253. We are not addressing here how our interpretations apply to access or attachments to government-owned property located outside the public ROW.

<sup>254</sup> See, e.g., AASHTO Comments, Att. 1 (Del. DOT Comments) at 3-5; New York City Comments at 2-8; San Antonio et al. Comments at 14-15; Smart Communities Comments at 62-66; San Francisco Comments at 28-30; League of Arizona Cities et al. Comments, WT Docket No. 16-421 at 3-9; San Antonio et al. Comments, WT Docket No. 16-421 at 14-15. See also *Wireless Infrastructure NPRM/NOI*, 32 FCC Rcd at 3364-65, para. 96 (seeking comment on this issue).

<sup>255</sup> The market participant doctrine establishes that, unless otherwise specified by Congress, federal statutory provisions may be interpreted as preempting or superseding state and local governments' activities involving regulatory or public policy functions, but not their activities as "market participants" to serve their "purely proprietary interests," analogous to similar transactions of private parties. *Building & Construction Trades Council*

presumption about congressional intent,” which “may have a different scope under different federal statutes.”<sup>256</sup> The Supreme Court has likewise made clear that the doctrine is applicable only “[i]n the absence of any express or implied indication by Congress.”<sup>257</sup> In contrast, where state action conflicts with express or implied federal preemption, the market participant doctrine does not apply, whether or not the state or local government attempts to impose its authority over use of public rights-of-way by permit or by lease or contract.<sup>258</sup> Here, both Sections 253(a) and Section 332(c)(7)(B)(i)(II) expressly address preemption, and neither carves out an exception for proprietary conduct.<sup>259</sup>

94. Specifically, Section 253(a) expressly preempts certain state and local “legal requirements” and makes no distinction between a state or locality’s regulatory and proprietary conduct. Indeed, as the Commission has long recognized, Section 253(a)’s sweeping reference to “State [and] local statute[s] [and] regulation[s]” and “other State [and] local legal requirement[s]” demonstrates Congress’s intent “to capture a broad range of state and local actions that prohibit or have the effect of prohibiting entities from providing telecommunications services.”<sup>260</sup> Section 253(b) mentions “requirement[s],” a phrase that is even broader than that used in Section 253(a) but covers “universal service,” “public safety and welfare,” “continued quality of telecommunications,” and “safeguard[s] for the] rights of consumers.” The subsection does not recognize a distinction between regulatory and proprietary. Section 253(c), which expressly insulates from preemption certain state and local government activities, refers in relevant part to “manag[ing] the public rights-of-way” and “requir[ing] fair and reasonable compensation,” while eliding any distinction between regulatory and proprietary action in either context. The Commission has previously observed that Section 253(c) “makes explicit a local government’s continuing authority to issue construction permits regulating how and when construction is conducted on roads and other public

(Continued from previous page)

*v. Associated Builders & Contractors*, 507 U.S. 218, 229, 231 (1993) (*Boston Harbor*); see also *Wisconsin Dept. of Industry, Labor, and Human Relations v. Gould, Inc.*, 475 U.S. 282, 289 (1986) (*Gould*).

<sup>256</sup> See, e.g., *Engine Mfrs. Ass’n v. South Coast Air Quality Mgmt. Distr.*, 498 F.3d 1031, 1042 (9th Cir. 2007); *Johnson v. Rancho Santiago Comm. College*, 623 F.3d 1011, 1022 (9th Cir. 2010).

<sup>257</sup> See *Boston Harbor*, 507 U.S. at 231.

<sup>258</sup> See *American Trucking Ass’n v. City of Los Angeles*, 569 U.S. 641, 650 (2013) (*American Trucking*).

<sup>259</sup> At a minimum, we conclude that Congress’s language has not unambiguously pointed to such a distinction. See Letter from Tamara Preiss, Vice President, Federal Regulatory and Legal Affairs, Verizon, to Marlene H. Dortch, Secretary, FCC, WT Docket No. 17-79, at 2 (filed Aug. 23, 2018) (Verizon Aug. 23, 2018 *Ex Parte* Letter). Furthermore, we contrast these statutes with those that do not expressly or impliedly preempt proprietary conduct. Compare, e.g., *American Trucking*, 569 U.S. 641 (finding that FAA Authorization Act of 1994’s provision that “State [or local government] may not enact or enforce a law, regulation, or other provision having the force and effect of law related to a price, route, or service of any motor carrier . . . with respect to the transportation of property” expressly preempted the terms of a standard-form concession agreement drafted to govern the relationship between the Port of Los Angeles and any trucking company seeking to operate on the premises), and *Gould*, 475 U.S. at 289 (finding that NLRA preempted a state law barring state contracts with companies with disfavored labor practices because the state scheme was inconsistent with the federal scheme), with *Boston Harbor*, 507 U.S. at 224-32. In *Boston Harbor*, the Supreme Court observed that the NLRA contained no express preemption provision or implied preemption scheme and consequently held:

In the absence of any express or implied indication by Congress that a State may not manage its own property when it pursues its purely proprietary interests, and where analogous private conduct would be permitted, this Court will not infer such a restriction.

*Id.* (internal citations omitted).

<sup>260</sup> See *Minnesota Order*, 14 FCC Rcd at 21707, para. 18. We find these principles to be equally applicable to our interpretation of the meaning of “regulation[s]” referred to under Section 332(c)(7)(B) insofar as such actions impermissibly “prohibit or have the effect of prohibiting the provision of personal wireless services.” *Supra* paras. 34-42.

rights-of-way.”<sup>261</sup> We conclude here that, as a general matter, “manage[ment]” of the ROW includes any conduct that bears on access to and use of those ROW, notwithstanding any attempts to characterize such conduct as proprietary.<sup>262</sup> This reading, coupled with Section 253(c)’s narrow scope, suggests that Congress’s omission of a blanket proprietary exception to preemption was intentional, and thus, that such conduct can be preempted under Section 253(a). We therefore construe Section 253(c)’s requirements, including the requirement that compensation be “fair and reasonable,” as applying equally to charges imposed via contracts and other arrangements between a state or local government and a party engaged in wireless facility deployment.<sup>263</sup> This interpretation is consistent with Section 253(a)’s reference to “State or local legal requirement[s],” which the Commission has consistently construed to include such agreements.<sup>264</sup> In light of the foregoing, whatever the force of the market participant doctrine in other contexts,<sup>265</sup> we believe the language, legislative history, and purpose of Sections 253(a) and (c) are incompatible with the application of this doctrine in this context. We observe once more that “[o]ur conclusion that Congress intended this language to be interpreted broadly is reinforced by the scope of section 253(d),” which “directs the Commission to preempt any statute, regulation, or legal requirement *permitted* or imposed by a state or local government if it contravenes sections 253(a) or (b). A more restrictive interpretation of the term ‘other legal requirements’ easily could permit state and local restrictions on competition to escape preemption based solely on the way in which [state] action was structured. We do not believe that Congress intended this result.”<sup>266</sup>

95. Similarly, and as discussed elsewhere,<sup>267</sup> we interpret Section 332(c)(7)(B)(ii)’s references to “any request[s] for authorization to place, construct, or modify personal wireless service facilities” broadly, consistent with Congressional intent. As described below, we find that “any” is unqualifiedly broad, and that “request” encompasses anything required to secure all authorizations necessary for the deployment of personal wireless services infrastructure. In particular, we find that Section 332(c)(7) includes authorizations relating to access to a ROW, including but not limited to the

<sup>261</sup> See *Minnesota Order*, 14 FCC Rcd at 21728-29, para. 60, quoting H. R. Rep. No. 104-204, U.S. Congressional & Administrative News, March 1996, vol.1, Legislative History section at 41 (1996).

<sup>262</sup> Indeed, to permit otherwise could limit the utility of ROW access for telecommunications service providers and thus conflict with the overarching preemption scheme set up by Section 253(a), for which 253(b) and 253(c) are exceptions. By construing “manage[ment]” of a ROW to include some proprietary behaviors, we mean to suggest that conduct taken in a proprietary capacity is likewise subject to 253(c)’s general limitations, including the requirement that any compensation charged in such capacity be “fair and reasonable.”

<sup>263</sup> Cf. *Minnesota Order*, 14 FCC Rcd at 21729-30, para. 61-62 (internal citations omitted) (“Moreover, Minnesota has not shown that the compensation required for access to the right-of-way is ‘fair and reasonable.’ The compensation appears to reflect the value of the exclusivity inherent in the Agreement [which provides the developer with exclusive physical access, for at least ten years, to longitudinal rights-of-way along Minnesota’s interstate freeway system] rather than fair and reasonable charges for access to the right-of-way. Nor has Minnesota shown that the Agreement provides for ‘use of public rights-of-way on a nondiscriminatory basis.’”)

<sup>264</sup> Cf. Crown Castle June 7, 2018 *Ex Parte* Letter at 17 n.83 (“Section 253(c), which carves out ROW management, would hardly be necessary if all ROW decisions were proprietary and shielded from the statute’s sweep.”).

<sup>265</sup> We acknowledge that the Commission previously concluded that “Section 6409(a) applies only to State and local governments acting in their role as land use regulators” and found that “this conclusion is consistent with judicial decisions holding that Sections 253 and 332(c)(7) of the Communications Act do not preempt ‘non regulatory decisions[.]’” See *2014 Wireless Infrastructure Order*, 29 FCC Rcd at 12964-65, paras. 237-240. To the extent necessary, we clarify here that the actions and analysis there were limited in scope given the different statutory scheme and record in that proceeding, which did not, at the time, suggest a need to “further elaborate as to how this principle should apply to any particular circumstance” (there, in connection with application of Section 6409(a)). Here, in contrast, as described herein, we find that further elucidation by the Commission is needed.

<sup>266</sup> *Minnesota Order*, 14 FCC Rcd at 21707, para. 18 (internal citations omitted) (emphasis omitted).

<sup>267</sup> See *infra* Part IV.C.1 (Authorizations Subject to the “Reasonable Period of Time” Provision of Section 332(c)(7)(B)(ii)).

“place[ment], construct[ion], or modif[ication]” of facilities on government-owned property, for the purpose of providing “personal wireless service.” We observe that this result, too, is consistent with Commission precedent such as the *Minnesota Order*, which involved a contract that provided exclusive access to a ROW. As but one example, to have limited that holding to exclude government-owned property within the ROW even if the carrier needed access to that property would have the effect of diluting or completely defeating the purpose of Section 332(c)(7).<sup>268</sup>

96. Second, and in the alternative, even if Section 253(a) and Section 332(c)(7) were to permit leeway for states and localities acting in their proprietary role, the examples in the record would be excepted because they involve states and localities fulfilling regulatory objectives.<sup>269</sup> In the proprietary context, “a State acts as a ‘market participant with no interest in setting policy.’”<sup>270</sup> We contrast state and local governments’ purely proprietary actions with states and localities acting with respect to managing or controlling access to property within public ROW, or to decisions about where facilities that will provide personal wireless service to the public may be sited. As several commenters point out, courts have recognized that states and localities “hold the public streets and sidewalks in trust for the public” and “manage public ROW in their regulatory capacities.”<sup>271</sup> These decisions could be based on a number of regulatory objectives, such as aesthetics or public safety and welfare, some of which, as we note elsewhere, would fall within the preemption scheme envisioned by Congress. In these situations, the state or locality’s role seems to us to be indistinguishable from its function and objectives as a regulator.<sup>272</sup> To

<sup>268</sup> See also *infra* para. 134-36 and cases cited therein. Precedent that may appear to reach a different result can be distinguished in that it resolves disputes arising under Section 332 and/or 253(a) without analyzing the scope of Section 253(c). Furthermore, those situations did not involve government-owned property or structures within a public ROW. See, e.g., *Sprint Spectrum L.P. v. Mills*, 283 F.3d 404, 420-21 (2d Cir. 2002) (declining to find preemption under Section 332 applicable to terms of a school rooftop lease); *Omnipoint Commc’ns, Inc. v. City of Huntington Beach*, 738 F.3d 192, 195-96, 200-01 (9th Cir. 2013) (declining to find preemption under Section 332 applicable to restrictions on lease of parkland).

<sup>269</sup> In this regard, also relevant to our interpretations here is courts’ admonition that government activities that are characterized as transactions but in reality are “tantamount to regulation” are subject to preemption, *Gould*, 475 U.S. at 289, and that government action disguised as private action may not be relied on as a pretext to advance regulatory objectives. See, e.g., *Coastal Communications Service v. City of New York*, 658 F. Supp. 2d 425, 441-42 (E.D.N.Y. 2009) (finding that a restriction on advertising on newly-installed payphones was subject to section 253(a) where the advertising was a material factor in the provider’s ability to provide the payphone service itself).

<sup>270</sup> See, e.g., *Chamber of Commerce of U.S. v. Brown*, 554 U.S. 60, 70 (2008).

<sup>271</sup> See Verizon Comments at 26-28 & n.85; T-Mobile Comments at 50 & n.210 and cases cited therein.

<sup>272</sup> Indeed, the Commission has long recognized that, in enacting Sections 253(c) and 332(c)(7), Congress affirmatively protected the ability of state and local governments to carry out their responsibilities for maintaining, managing, and regulating the use of ROW and structures therein for the benefit of the public. *TCI Cablevision Order*, 12 FCC Rcd at 21441, para. 103 (1997) (“We recognize that section 253(c) preserves the authority of state and local governments to manage public rights-of-way. Local governments must be allowed to perform the range of vital tasks necessary to preserve the physical integrity of streets and highways, to control the orderly flow of vehicles and pedestrians, to manage gas, water, cable (both electric and cable television), and telephone facilities that crisscross the streets and public rights-of-way.”); *Moratoria Declaratory Ruling*, FCC 18-111, para. 142 (same); *Classic Telephone, Inc. Petition for Preemption, Declaratory Ruling, and Injunctive Relief*, Memorandum Opinion and Order, 11 FCC Rcd 13082, 13103, para. 39 (1996) (same). We find these situations to be distinguishable from those where a state or locality might be engaged in a discrete, *bona fide* transaction involving sales or purchases of services that do not otherwise violate the law or interfere with a preemption scheme. Compare, e.g., *Cardinal Towing & Auto Repair, Inc., v. City of Bedford*, 180 F.3d 686, 691, 693-94 (5th Cir. 1999) (declining to find that the FAA Authorization Act of 1994, as amended by the ICC Termination Act of 1995, preempted an ordinance and contract specifications that were designed only to procure services that a municipality itself needed, not to regulate the conduct of others), with *NextG Networks of N.Y., Inc. v. City of New York*, 2004 WL 2884308 (N.D.N.Y., Dec. 10, 2004) (crediting allegations that a city’s actions, such as issuing a request for proposal and implementing a general franchising scheme, were not of a purely proprietary nature, but rather, were taken in pursuit of a regulatory objective or policy). This action could include, for example, procurement of services for the state or locality, or a

the extent that there is some distinction, the temptation to blend the two roles for purposes of insulating conduct from federal preemption cannot be underestimated in light of the overarching statutory objective that telecommunications service and personal wireless services be deployed without material impediments.

97. Our interpretation of both provisions finds ample support in the record of this proceeding. Specifically, commenters explain that public ROW and government-owned structures within such ROW are frequently relied upon to supply services for the benefit of the public, and are often the best-situated locations for the deployment of wireless facilities.<sup>273</sup> However, the record is also replete with examples of states and localities refusing to allow access to such ROW or structures, or imposing onerous terms and conditions for such access.<sup>274</sup> These examples extend far beyond governments' treatment of single structures;<sup>275</sup> indeed, in some cases it has been suggested that states or localities are using their proprietary roles to effectuate a general municipal policy disfavoring wireless deployment in public ROW.<sup>276</sup> We believe that Section 253(c) is properly construed to suggest that Congress did not intend to permit states and localities to rely on their ownership of property within the ROW as a pretext to advance regulatory objectives that prohibit or have the effect of prohibiting the provision of covered services, and thus that such conduct is preempted.<sup>277</sup> Our interpretations here are intended to facilitate the implementation of the scheme Congress intended and to provide greater regulatory certainty to states, municipalities, and regulated parties about what conduct is preempted under Section 253(a). Should factual questions arise about whether a state or locality is engaged in such behavior, Section 253(d) affords state and local governments and private parties an avenue for specific preemption challenges.

(Continued from previous page)

contract for employment services between a state or locality and one of its employees. We do not intend to reach these scenarios with our interpretations today.

<sup>273</sup> See, e.g., Verizon Aug. 23, 2018 *Ex Parte* Letter at 4-5.

<sup>274</sup> See *supra* para. 25.

<sup>275</sup> Cf. *Sprint Spectrum L.P. v. Mills*, 283 F.3d 404.

<sup>276</sup> See *NextG Networks of N.Y., Inc. v. City of New York*, 2004 WL 2884308; *Coastal Communications Service v. City of New York*, 658 F. Supp. 2d at 441-42.

<sup>277</sup> We contrast this instance to others in which we either declined to act or responded to requests for action with respect to specific disputes. See, e.g., 2014 *Wireless Infrastructure Order*, 29 FCC Rcd at 12964-65, paras. 237-240; *Continental Airlines Petition for Declaratory Ruling Regarding the Over-the-Air Reception Devices (OTARD) Rules*, Memorandum Opinion and Order, 21 FCC Rcd 13201, 13220, para. 43 (2006) (observing, in the context of a different statutory and regulatory scheme, that “[g]iven that the Commission intended to preempt restrictions [regarding restrictions on Continental's use of its Wi-Fi antenna] in private lease agreements, however, Massport would be preempted even if it is acting in a private capacity with regard to its lease agreement with Continental.”); *Sandwich Isles Section 253 Order*, 32 FCC Rcd at 5883, para. 14 (rejecting argument that argument that Section 253(a) is inapplicable where it would affect the state's ability to “deal[] with its real estate interests . . . as it sees fit,” such as by granting access to “rights-of-way over land that it owns); *Minnesota Order*, 14 FCC Rcd at 21706-08, paras. 17-19; cf. *Amigo.Net Petition for Declaratory Ruling*, Memorandum Opinion and Order, 17 FCC Rcd 10964, 10967 (WCB 2002) (Section 253 did not apply to carrier's provision of network capacity to government entities exclusively for such entities' internal use); *T-Mobile West Corp. v. Crow*, 2009 WL 5128562 (D. Ariz., Dec. 17, 2009) (Section 332(c)(7) did not apply to contract for deployment of wireless facilities and services for use on state university campus). We clarify here that such prior instances are not to be construed as a concession that Congress did not make preemption available, or that the Commission lacked the authority to support parties' attempts to avail themselves of relief offered under preemption schemes, when confronted with instances in which a state or locality is relying on its proprietary role to skirt federal regulatory reach. Indeed, these instances demonstrate the opposite—that preemption is available to effectuate Congressional intent—and merely illustrate application of this principle. Also, we do not find it necessary to await specific disputes in the form of Section 253(d) petitions to offer these interpretations. In the alternative and as an independent means to support the interpretations here, we clarify that we intend for our views to guide how preemption should apply in fact-specific scenarios.

### E. Responses to Challenges to Our Interpretive Authority and Other Arguments

98. We reject claims that we lack authority to issue authoritative interpretations of Sections 253 and 332(c)(7) in this Declaratory Ruling. As explained above, we act here pursuant to our broad authority to interpret key provisions of the Communications Act, consistent with our exercise of that interpretive authority in the past.<sup>278</sup> In this instance, we find that issuing a Declaratory Ruling is necessary to remove what the record reveals is substantial uncertainty and to reduce the number and complexity of legal controversies regarding certain fee and non-fee state and local legal requirements in connection with Small Wireless Facility infrastructure. We thus exercise our authority in this Declaratory Ruling to interpret Section 253 and Section 332(c)(7) and explain how those provisions apply in the specific scenarios at issue here.<sup>279</sup>

99. Nothing in Sections 253 or 332(c)(7) purports to limit the exercise of our general interpretive authority.<sup>280</sup> Congress's inclusion of preemption provisions in Section 253(d) and Section 332(c)(7)(B)(v) does not limit the Commission's ability pursuant to other sections of the Act to construe and provide its authoritative interpretation as to the meaning of those provisions.<sup>281</sup> Any preemption under Section 253 and/or Section 332(c)(7)(B) that subsequently occurs will proceed in accordance with the enforcement mechanisms available in each context. But whatever enforcement mechanisms may be available to preempt specific state and local requirements, nothing in Section 253 or Section 332(c)(7) prevents the Commission from declaring that a category of state or local laws is inconsistent with Section 253(a) or Section 332(c)(7)(B)(i)(II) because it prohibits or has the effect of prohibiting the relevant covered service.<sup>282</sup>

<sup>278</sup> See, e.g., *Moratoria Declaratory Ruling*, FCC 18-111, paras. 161-68; *2009 Declaratory Ruling*, 24 FCC Rcd at 14001, para. 23.

<sup>279</sup> Targeted interpretations of the statute like those we adopt here fall far short of a “federal regulatory program dictating the scope and policies involved in local land use” that some commenters fear. League of Minnesota Cities Comments at 9.

<sup>280</sup> We also reject claims that Section 601(c)(1) of the 1996 Act constrains our interpretation of these provisions. See, e.g., NARUC Reply at 3; Smart Communities Reply at 33, 35-36. That provision guards against implied preemption, while Section 253 and Section 332(c)(7)(B) both expressly restrict state and local activities. See, e.g., *Texas PUC Order*, 13 FCC Rcd at 3485-86, para. 51. Courts also have read that provision narrowly. See, e.g., *In re FCC 11-161*, 753 F.3d 1015, 1120 (10th Cir. 2014); *Qwest Corp. v. Minnesota Pub. Utilities Comm'n*, 684 F.3d 721, 730-31 (8th Cir. 2012); *Farina v. Nokia Inc.*, 625 F.3d 97, 131 (3d Cir. 2010). Although the Ninth Circuit in *County of San Diego* asserted that there is a presumption that express preemption provisions should be read narrowly, and that the presumption would apply to the interpretation of Section 253(a), *County of San Diego*, 543 F.3d at 548, the cited precedent applies that presumption where “the State regulates in an area where there is no history of significant federal presence.” *Air Conditioning & Refrigeration Inst. v. Energy Res. Conservation & Dev. Comm'n*, 410 F.3d 492, 496 (9th Cir. 2005). Whatever the applicability of such a presumption more generally, there is a substantial history of federal involvement here, particularly insofar as interstate telecommunications services and wireless services are implicated. See, e.g., *Ting v. AT&T*, 319 F.3d 1126, 1136 (9th Cir. 2003); *Ivy Broadcasting Co. v. Am. Tel. & Tel. Co.*, 391 F.2d 486, 490-92 (2d Cir. 1968); 47 U.S.C., Title III.

<sup>281</sup> See, e.g., California PUC Comments at 11; Verizon Comments at 31-33; CTIA Reply at 22-23; WIA Reply at 16-18. We thus reject claims to the contrary. See, e.g., City of New York Comments at 8; Virginia Joint Commenters Comments, Exh. A at 41-44; City of New York Reply at 1-2; NATOA Reply at 9-10; Smart Communities Reply at 34. Indeed, the Fifth Circuit upheld just such an exercise of authority with respect to the interpretation of Section 332(c)(7) in the past. See generally *City of Arlington*, 668 F.3d at 249-54. While some commenters assert that the questions addressed by the Commission in the order underlying the Fifth Circuit's *City of Arlington* decision are somehow more straightforward than our interpretations here, they do not meaningfully explain why that is the case, instead seemingly contemplating that the Commission would address a wider, more general range of circumstances than we actually do here. See, e.g., Virginia Joint Commenters Comments, Exh. A at 44-45.

<sup>282</sup> Consequently, we reject claims that relying on our general interpretive authority to interpret Section 253 and Section 332(c)(7) would render any provisions of the Act mere surplusage, see, e.g., Smart Communities Reply at 34-35, or would somehow “usurp the role of the judiciary.” Washington State Cities Reply at 14. We likewise



100. Although some commenters contend in general terms that differences in judicial approaches to Section 253 are limited and thus there is little need for Commission guidance,<sup>283</sup> the interpretations we offer in this Declaratory Ruling are intended to help address certain specific scenarios that have caused significant uncertainty and legal controversy, irrespective of the degree to which this uncertainty has been reflected in court decisions. We also reject claims that a Supreme Court brief joined by the Commission demonstrates that there is no need for the interpretations in this Declaratory Ruling.<sup>284</sup> To the contrary, that brief observed that some potential interpretations of certain court decisions “would create a serious conflict with the Commission’s understanding of Section 253(a), and [] would undermine the federal competition policies that the provision seeks to advance.”<sup>285</sup> The brief also noted that, if warranted, “the Commission can restore uniformity by issuing authoritative rulings on the application of Section 253(a) to particular types of state and local requirements.”<sup>286</sup> Rather than cutting against the need for, or desirability of, the interpretations we offer in this Declaratory Ruling, the brief instead presaged them.<sup>287</sup>

(Continued from previous page)

reject other arguments insofar as they purport to treat Section 253(d)’s provision for preemption as more specific than, or otherwise controlling over, other Communications Act provisions enabling the Commission to authoritatively interpret the Act. *See, e.g.*, Virginia Joint Commenters Comments, Exh. A at 43. To the contrary, “[t]he specific controls but only within its self-described scope.” *Nat’l Cable & Telecomm. Ass’n v. Gulf Power*, 534 U.S. 327, 336 (2002). In addition, concerns that the Commission might interpret Section 253(c) in a manner that would render it a nullity or in a manner divorced from relevant context—things we do not do here—bear on the reasonableness of a given interpretation and not on the existence of interpretive authority in the first instance, as some contend. *See, e.g.*, Virginia Joint Commenters Comments, Exh. A at 43-44.

<sup>283</sup> *See, e.g.*, City of San Antonio *et al.* Comments, Exh. B at 26-27; Fairfax County Comments at 20; Smart Communities Comments at 61. Some commenters assert that there are reasonable, material reliance interests arising from past court interpretations that would counsel against our interpretations in this order because “localities and providers have adjusted to the tests within their circuits” and “reflected those standards in local law.” Smart Communities Comments, WT Docket No. 16-141 at 67 (filed Mar. 8, 2017) cited in City of Austin Comments at 2 n.3. Arguments such as these, however, merely underscore the regulatory patchwork that inhibits the development of a robust nationwide telecommunications and private wireless service as envisioned by Congress. By offering interpretations of the relevant statutes here, we intend, thereby, to eliminate potential regional regulatory disparities flowing from differing interpretations of those provisions. *See, e.g.*, WIA Reply at 19-20.

<sup>284</sup> *See* City of San Antonio *et al.* Comments, Exh. B at 27 (citing Brief for the United States as Amicus Curiae, *Level 3 Commc’ns v. City of St. Louis*, Nos. 08-626, 08-759 at 9, 11 (filed May 28, 2009) (Amicus Brief)).

<sup>285</sup> Amicus Brief at 12-13. The brief also identified other specific areas of concern with those cases. *See, e.g., id.* at 13 (“The court appears to have accorded inordinate significance to Level 3’s inability to ‘state with specificity what additional services it might have provided’ if it were not required to pay St. Louis’s license fee. That specific failure of proof—which the court of appeals seems to have regarded as emblematic of broader evidentiary deficiencies in Level 3’s case—is not central to a proper Section 253(a) inquiry.” (citation omitted)); *id.* at 14 (“Portions of the Ninth Circuit’s decision, moreover, could be read to suggest that a Section 253 plaintiff must show effective preclusion—rather than simply material interference—in order to prevail. As discussed above, limiting the preemptive reach of Section 253(a) to legal requirements that completely preclude entry would frustrate the policy of open competition that Section 253 was intended to promote.” (citation omitted)).

<sup>286</sup> *Id.* at 18.

<sup>287</sup> Contrary to some claims, the need for these clarifications also is not undercut by prior determinations that advanced telecommunications capability is being deployed in a reasonable and timely fashion to all Americans. *See, e.g.*, Letter from Nancy Werner, General Counsel, NATOA, to Marlene H. Dortch, Secretary, FCC, WT Docket No. 17-79, at 2 (filed June 21, 2018) (NATOA June 21, 2018 *Ex Parte* Letter) (citing *Inquiry Concerning Deployment of Advanced Telecommunications Capability to All Americans in a Reasonable and Timely Fashion*, 33 FCC Rcd 1660, 1707-08, para. 94 (2018) (*2018 Broadband Deployment Report*)). These commenters do not explain why the distinct standard for evaluating deployment of advanced telecommunications capability, *see 2018 Broadband Deployment Report*, 33 FCC Rcd at 1663-76, paras. 9-39, should bear on the application of Section 253 or Section 332(c)(7). Further, as the Commission itself observed, “[a] finding that deployment of advanced

101. Our interpretations of Sections 253 and Section 332(c)(7) are likewise not at odds with the Tenth Amendment and constitutional precedent, as some commenters contend.<sup>288</sup> In particular, our interpretations do not directly “compel the states to administer federal regulatory programs or pass legislation.”<sup>289</sup> The outcome of violations of Section 253(a) or Section 332(c)(7)(B) of the Act are no more than a consequence of “the limits Congress already imposed on State and local governments” through its enactment of Section 332(c)(7).<sup>290</sup>

102. We also reject the suggestion that the limits Section 253 places on state and local ROW fees and management will unconstitutionally interfere with the relationship between a state and its political subdivisions.<sup>291</sup> As relevant to our interpretations here, it is not clear, at first blush, that such concerns would be implicated.<sup>292</sup> Because state and local legal requirements can be written and structured in myriad ways, and challenges to such state or local activities could be framed in broad or narrow terms, we decline to resolve such questions here, divorced from any specific context.

#### IV. THIRD REPORT AND ORDER

103. In this Third Report and Order, we address the application of shot clocks to state and local review of wireless infrastructure deployments. We do so by taking action in three main areas. First, we adopt a new set of shot clocks tailored to support the deployment Small Wireless Facilities. Second, we adopt a specific remedy that applies to violations of these new Small Wireless Facility shot clocks, which we expect will operate to significantly reduce the need for litigation over missed shot clocks. Third, we clarify a number of issues that are relevant to all of the FCC’s shot clocks, including the types of authorizations subject to these time periods.

(Continued from previous page) \_\_\_\_\_  
telecommunications capability is reasonable and timely in no way suggests that we should let up in our efforts to foster greater deployment.” *Id.* at 1664, para. 13.

<sup>288</sup> See, e.g., City of San Antonio *et al.* Comments, Exh. A at 28; Smart Communities Comments at 77-78; Smart Communities Reply at 48-50; NATOA June 21, 2018 *Ex Parte* Letter at 3.

<sup>289</sup> *Montgomery County*, 811 F.3d at 128; see *Printz v. United States*, 521 U.S. 898 (1997) (*Printz*); *New York v. United States*, 505 U.S. 144 (1992) (*New York*). These provisions preempting state law thus do not “compel the States to enact or administer a federal regulatory program,” *Printz*, 521 U.S. at 900, or “dictate what a state . . . may or may not do.” *Murphy v. Nat’l Collegiate Athletic Ass’n*, 138 S. Ct. 1461, 1478 (2018) (*Murphy*).

<sup>290</sup> *2009 Declaratory Ruling*, 24 FCC Rcd at 14002, para. 25. The Communications Act establishes its own framework for oversight of wireless facility deployment—one that is largely deregulatory, see, e.g., *Wireless Infrastructure Second R&O*, FCC 18-30, at para. 63; *Implementation of Sections 3(n) and 332 of the Communications Act*, GN Docket No. 93-252, Second Report and Order, 9 FCC Rcd 1411, 1480-81, para. 182 (1994)—and it is reasonable to expect state and local governments electing to act in that area to do so only in a manner consistent with the Act’s framework. See, e.g., *Murphy*, 138 S. Ct. at 1470-71, 1480. Thus, the application of Section 253 and Section 332(c)(7)(B) is clearly distinguishable from the statute the Supreme Court struck down in *Murphy*, which did not involve a preemption scheme but nonetheless prohibited state authorization of sports gambling. *Id.* at 1481. The application here is also clearly distinguishable from the statute in *Printz*, which mandated states to run background checks on handgun purchases, *Printz*, 521 U.S. at 904–05, and the statute in *New York*, which required states to enact state laws that provide for the disposal of radioactive waste or else take title to such waste. *New York*, 505 U.S. at 151–52.

<sup>291</sup> See, e.g., City of New York Comments at 9-10; Smart Communities Comments at 78.; see also, e.g., *Nixon v. Mo. Mun. League*, 541 U.S. 125, 134 (2004) (identifying Tenth Amendment issues with the application of Section 253 where that application would implicate “state or local governmental self-regulation (or regulation of political inferiors)”).

<sup>292</sup> For example, where a state or local law or other legal requirement simply sets forth particular fees to be paid, or where the legal requirement at issue is simply an exercise of discretion that governing law grants the state or local government, it is not clear that preemption would unconstitutionally interfere with the relationship between a state and its political subdivisions.

## A. New Shot Clocks for Small Wireless Facility Deployments

104. In 2009, the Commission concluded that we should use shot clocks to define a presumptive “reasonable period of time” beyond which state or local inaction on wireless infrastructure siting applications would constitute a “failure to act” within the meaning of Section 332.<sup>293</sup> We adopted a 90-day clock for reviewing collocation applications and a 150-day clock for reviewing siting applications other than collocations. The record here suggests that our two existing Section 332 shot clocks have increased the efficiency of deploying wireless infrastructure. Many localities already process wireless siting applications in less time than required by those shot clocks, and a number of states have enacted laws requiring that collocation applications be processed in 60 days or less.<sup>294</sup> Some siting agencies acknowledge that they have worked to gain efficiencies in processing siting applications and welcome the addition of new shot clocks tailored to the deployment of small scale facilities.<sup>295</sup> Given siting agencies’ increased experience with existing shot clocks, the greater need for rapid siting of Small Wireless Facilities nationwide, and the lower burden siting of these facilities places on siting agencies in many cases, we take this opportunity to update our approach to speed the deployment of Small Wireless Facilities.<sup>296</sup>

### 1. Two New Section 332 Shot Clocks for Deployment of Small Wireless Facilities

105. In this section, using authority confirmed in *City of Arlington*, we adopt two new Section 332 shot clocks for Small Wireless Facilities—60 days for review of an application for collocation of Small Wireless Facilities using a preexisting structure and 90 days for review of an application for attachment of Small Wireless Facilities using a new structure. These new Section 332 shot clocks carefully balance the well-established authority that states and local authorities have over review of wireless siting applications with the requirements of Section 332(c)(7)(ii) to exercise that authority “within a reasonable period of time... taking into account the nature and scope of the request.”<sup>297</sup> Further, our decision is consistent with the BDAC’s Model Code for Municipalities’ recommended timeframes, which utilize this same 60-day and 90-day framework for collocation of Small Wireless Facilities and new structures<sup>298</sup> and are similar to shot clocks enacted in state level small cell bills and the real world

---

<sup>293</sup> 2009 Declaratory Ruling, 24 FCC Rcd at 13994.

<sup>294</sup> See *infra* para. 106.

<sup>295</sup> Chicago Comments at 7 (“[T]he City has worked to achieve efficient processing times even for applications where no federal deadline exists.”); New Orleans Comments at 3 (“City supports the concept proposed by the Commission . . . to establish . . . more narrowly defined classes of deployments, with distinct reasonable time frames for action within each class.”).

<sup>296</sup> See LaWana Mayfield July 31, 2018 *Ex Parte* Letter at 2 (“However, getting this infrastructure out in a timely manner can be a challenge that involves considerable time and financial resources. The solution is to streamline relevant policies—allowing more modern rules for modern infrastructure.”); Letter from John Richard C. King, House of Representatives, South Carolina, to the Hon. Brendan Carr, Commissioner, FCC, WT Docket No. 17-79, at 1 (filed Aug. 27, 2018) (“A patchwork system of town-to-town, state-to-state rules slows the approval of small cell installations and delays the deployment of 5G. We need a national framework with guardrails to streamline the path forward to our wireless future”); Letter from Andy Thompson, State Representative, Ohio House District 95, to Marlene H. Dortch, Secretary, FCC, WT Docket No. 17-79, at 1 (filed Aug. 24, 2018) (“In order for 5G to arrive as quickly and as effectively as possible, relevant infrastructure regulations must be streamlined. It makes very little sense for rules designed for 100-foot cell towers to govern the path to deployment for modern equipment called small cells that can fit into a pizza box.”); Letter from Todd Nash, Wallowa County Board of Commissioners, Oregon, to the Hon. Brendan Carr, Commissioner, FCC, WT Docket No. 17-79, at 2 (filed Sept. 10, 2018) (FCC should streamline regulatory processes by, for example, tightening the deadlines for states and localities to approve new network facilities).

<sup>297</sup> 47 U.S.C. § 332(c)(7)(ii).

<sup>298</sup> The BDAC Model Municipal Code recommended, for certain types of facilities, shot clocks of 60 days for collocations and 90 days for new constructions on applications for siting Small Wireless Facilities. BDAC Model

experience of many municipalities which further supports the reasonableness of our approach.<sup>299</sup> Our actions will modernize the framework for wireless facility siting by taking into consideration that states and localities should be able to address the siting of Small Wireless Facilities in a more expedited review period than needed for larger facilities.<sup>300</sup>

106. We find compelling reasons to establish a new presumptively reasonable Section 332 shot clock of 60 days for collocations of Small Wireless Facilities on existing structures. The record demonstrates the need for, and reasonableness of, expediting the siting review of these collocations.<sup>301</sup> Notwithstanding the implementation of the current shot clocks, more streamlined procedures are both reasonable and necessary to provide greater predictability for siting applications nationwide for the deployment of Small Wireless Facilities. The two current Section 332 shot clocks do not reflect the evolution of the application review process and evidence that localities can complete reviews more quickly than was the case when the existing Section 332 shot clocks were adopted nine years ago. Since 2009, localities have gained significant experience processing wireless siting applications.<sup>302</sup> Indeed, many localities already process wireless siting applications in less than the required time<sup>303</sup> and several

(Continued from previous page) \_\_\_\_\_

Municipal Code at §§ 2.2, 2.3, 3.2a(i)(B). Our approach utilizes the same timeframes set forth in the Model Municipal Code, and we disagree with comments that it is inconsistent with or ignores the work of the BDAC. GMA September 17 *Ex Parte* Letter at 4-5.

<sup>299</sup> For instance, while the City of Chicago opposes the shot clocks adopted here, we note that the City has also stated that, “[d]espite th[e] complex review process, involving many utilities and other entities, CDOT on average processed small cell applications last year in 55 days.” Letter from Edward N. Siskel, Corp. Counsel, Dept. of Law, City of Chicago, to Marlene H. Dortch, Secretary, FCC, WT Docket No. 17-79 et al., at 2 (filed Sept. 19, 2018).

<sup>300</sup> Just like the shot clocks originally established in 2009—later affirmed by the Fifth Circuit and the Supreme Court—the shot clocks framework in this Third Report and Order are no more than an interpretation of “the limits Congress already imposed on State and local governments” through its enactment of Section 332(c)(7). *2009 Declaratory Ruling*, 24 FCC Rcd at 14002, para. 25. *See also City of Arlington*, 668 F.3d at 259. As explained in the *2009 Declaratory Ruling*, the shot clocks derived from Section 332(c)(7) “will not preempt State or local governments from reviewing applications for personal wireless service facilities placement, construction, or modification,” and they “will continue to decide the outcome of personal wireless service facility siting applications pursuant to the authority Congress reserved to them in Section 332(c)(7)(A).” *2009 Declaratory Ruling*, 24 FCC Rcd at 14002, para. 25.

<sup>301</sup> CTIA Comments, WT Docket No. 16-421, at 33 (filed Mar. 8, 2017); Letter from Juan Huizar, City Manager of the City of Pleasanton, TX, to the Hon. Brendan Carr, Commissioner, FCC, WT Docket No. 17-79, at 1 (filed June 4, 2018) (describing the firsthand benefit of small cells and noting that communications infrastructure is a critical component of local growth); Letter from Sara Blackhurst, President, Action 22, to the Hon. Brendan Carr, Commissioner, FCC, WT Docket No. 17-79, at 2 (filed May 18, 2018) (Action 22 *Ex Parte*) (“While we understand the need for relevant federal rules and protections appropriate for larger wireless infrastructure, we feel these same rules are not well-suited for smaller wireless facilities and risk slowing deployment in communities that need connectivity now.”); Letter from Maurita Coley Flippin, President and CEO, MMTC, to the Hon. Ajit Pai, Chairman, FCC, WT Docket No. 17-79 at 2 (filed Sept. 5, 2018) (encourages the Commission to remove unnecessary barriers such as unreasonable delays so deployment can proceed expeditiously); Fred A. Lamphere Sept. 11, 2018 *Ex Parte* Letter at 1 (It is critical that the Commission continue to remove barriers to building new wireless infrastructure such as by setting reasonable timelines to review applications).

<sup>302</sup> T-Mobile Comments at 20; Crown Castle Reply at 5 (noting that the adoption of similar time frames by several states for small cell siting review confirms their reasonableness, and the Commission should apply these deadlines on a nationwide basis).

<sup>303</sup> Alaska Dep’t of Natural Resources Comments at 2 (“[W]e are currently meeting or exceeding the proposed timeframe of the ‘Shot Clock.’”); *see also* CTIA Aug. 30, 2018 *Ex Parte* Letter at 5 (“Eleven states—Delaware, Florida, Indiana, Kansas, Missouri, North Carolina, Rhode Island, Tennessee, Texas, Utah, and Virginia—recently adopted small cell legislation that includes 45-day or 60-day shot clocks for small cell collocations.”); Jason R. Saine Sept. 14, 2018 *Ex Parte* Letter.

jurisdictions require by law that collocation applications be processed in 60 days or less.<sup>304</sup> With the passage of time, siting agencies have become more efficient in processing siting applications.<sup>305</sup> These facts demonstrate that a shorter, 60-day shot clock for processing collocation applications for Small Wireless Facilities is reasonable.<sup>306</sup>

107. As we found in 2009, collocation applications are generally easier to process than new construction because the community impact is likely to be smaller.<sup>307</sup> In particular, the addition of an antenna to an existing tower or other structure is unlikely to have a significant visual impact on the community.<sup>308</sup> The size of Small Wireless Facilities poses little or no risk of adverse effects on the environment or historic preservation.<sup>309</sup> Indeed, many jurisdictions do not require public hearings for approval of such attachments, underscoring their belief that such attachments do not implicate complex issues requiring a more searching review.<sup>310</sup>

108. Further, we find no reason to believe that applying a 60-day time frame for Small Wireless Facility collocations under Section 332 creates confusion with collocations that fall within the scope of “eligible facilities requests” under Section 6409 of the Spectrum Act, which are also subject to a 60-day review.<sup>311</sup> The type of facilities at issue here are distinctly different and the definition of a Small Wireless Facility is clear. Further, siting authorities are required to process Section 6409 applications involving the swap out of certain equipment in 60 days, and we see no meaningful difference in processing these applications than processing Section 332 collocation applications in 60 days. There is

---

<sup>304</sup> North Carolina requires its local governments to decide collocation applications within 45 days of submission of a complete application. N.C. Gen. Stat. Ann. § 153A-349.53(a2). The same 45-day shot clock applies to certain collocations in Florida. Fla. Stat. Ann. § 365.172(13)(a)(1), (d)(1). In New Hampshire, applications for collocation or modification of wireless facilities generally have to be decided within 45 days (subject to some exceptions under certain circumstances) or the application is deemed approved. N.H. Rev. Stat. Ann. § 12-K:10. Wisconsin requires local governments to decide within 45 days of receiving complete applications for collocation on existing support structure that does not involve substantial modification, or the application will be deemed approved, unless the local government and applicant agree to an extension. Wis. Stat. Ann. § 66.0404(3)(c). Local governments in Indiana have 45 days to decide complete collocation applications, unless an extension is allowed under the statute. Ind. Code Ann. § 8-1-32.3-22. Minnesota requires any zoning application, including both collocation and non-collocation applications, to be processed in 60 days. Minn. Stat. § 15.99, subd. 2(a). By not requiring hearings, collocation applications in these states can be processed in a timely manner.

<sup>305</sup> Chicago Comments at 7 (“[T]he City has worked to achieve efficient processing times even for applications where no federal deadline exists.”); New Orleans Comments at 3 (“City supports the concept proposed by the Commission . . . to establish . . . more narrowly defined classes of deployments, with distinct reasonable times frames for action within each class.”); Action 22 *Ex Parte* at 2 (“While we understand the need for relevant federal rules and protections appropriate for larger wireless infrastructure, we feel these same rules are not well-suited for smaller wireless facilities and risk slowing deployment in communities that need connectivity now.”).

<sup>306</sup> CCA Comments at 11-14; T-Mobile Comments at 20; Incompas Reply at 9; Sprint Comments at 45-47 (noting that Florida, Indiana, Kansas, Texas and Virginia all have passed small cell legislation that requires small cell application attachments to be acted upon in 60 days); T-Mobile Comments at 18 (arguing that the Commission should accelerate the Section 332 shot clocks for all sites to 60 days for collocations, including small cells).

<sup>307</sup> 2009 *Declaratory Ruling*, 24 FCC Rcd at 14012, para. 40.

<sup>308</sup> TIA Comments at 4.

<sup>309</sup> *Wireless Infrastructure Second R&O*, FCC 18-30 at para. 42 (citing Nationwide Programmatic Agreement for the Collocation of Wireless Antennas, 47 CFR Part 1, Appx. B, § VI (Collocation NPA)); *see also* 47 CFR § 1.1306(c)(1) (excluding certain wireless facilities from NEPA review).

<sup>310</sup> 2009 *Declaratory Ruling*, 24 FCC Rcd at 14012, para. 46.

<sup>311</sup> DESHPO Comments at 2 (“opposes the application of separate time limits for review of facility deployments not covered by the Spectrum Act, as it would lead to confusion within the process for all parties involved (Applicants/Carrier, Consultants, SHPO)”).

no reason to apply different time periods (60 vs. 90 days) to what is essentially the same review: modification of an existing structure to accommodate new equipment.<sup>312</sup> Finally, adopting a 60-day shot clock will encourage service providers to collocate rather than opting to build new siting structures which has numerous advantages.<sup>313</sup>

109. Some municipalities argue that smaller facilities are neither objectively “small” nor less obtrusive than larger facilities.<sup>314</sup> Others contend that shorter shot clocks for a broad category of “smaller” facilities are too restrictive,<sup>315</sup> and would fail to take into account the varied and unique climate, historic architecture, infrastructure, and volume of siting applications that municipalities face.<sup>316</sup> We take those considerations into account by clearly defining the category of “Small Wireless Facility” in our rules and allowing siting agencies to rebut the presumptive reasonableness of the shot clocks based upon the actual circumstances they face. For similar reasons, we disagree that establishing shorter shot clocks for smaller facilities would impair states’ and localities’ authority to regulate local rights of way.<sup>317</sup>

110. While some commenters argue that additional shot clock classifications would make the siting process needlessly more complex without any proven benefits,<sup>318</sup> any additional administrative burden from increasing the number of Section 332 shot clocks from two to four is outweighed by the likely significant benefit of regulatory certainty and the resulting streamlined deployment process.<sup>319</sup> We

---

<sup>312</sup> CTIA Aug. 30, 2018 *Ex Parte* Letter at 6.

<sup>313</sup> Letter from Richard Rossi, Senior Vice President, General Counsel, American Tower, to Marlene Dortch, Secretary, FCC, WT Docket No. 17-79, at 3 (filed Aug. 10, 2018) (“The reason to encourage collocation is straightforward, it is faster, cheaper, more environmentally sound, and less disruptive than building new structures.”).

<sup>314</sup> League of Az Cities and Towns Comments at 13, 29 (arguing that many small cells or micro cells can be taller and more visually intrusive than macro cells).

<sup>315</sup> See, e.g., Letter from Geoffrey C. Beckwith, Executive Director & CEO, Mass. Municipal. Assoc., Boston, MA, to Marlene H. Dortch, Secretary, FCC, WT Docket No. 17-79, (filed Sept. 11, 2018) (Geoffrey C. Beckwith Sept. 11, 2018 *Ex Parte* Letter); Mike Posey Sept. 11, 2018 *Ex Parte* Letter; Letter from John A. Barbish, Mayor, City of Wickliffe, OH, to Marlene H. Dortch, Secretary, FCC, WT Docket No. 17-79 (filed Sept. 13, 2018); Letter from Pauline Russo Cutter, Mayor, City of San Leandro, CA, to Marlene H. Dortch, Secretary, FCC, WT Docket No. 17-79 (filed Sept. 12, 2018); Letter from Ed Waage, Mayor, City of Pismo Beach, CA, to Marlene H. Dortch, Secretary, FCC, WT Docket No. 17-79, at 1 (filed Sept. 18, 2018); Letter from Scott A. Hancock, Executive Director, MML, to Marlene H. Dortch, Secretary, FCC, WT Docket No. 17-79, at 2 (filed Sept. 18, 2018); Letter from Leon Towarnicki, City Manager, Martinsville, VA, to Marlene H. Dortch, Secretary, FCC, WT Docket No. 17-79, at 1 (filed Sept. 18, 2018); Letter from Thomas Aujero Small, Mayor, City of Culver City, CA, to Marlene H. Dortch, Secretary, FCC, WT Docket No. 17-79, at 1 (filed Sept. 18, 2018).

<sup>316</sup> Philadelphia Comments at 4-5 (arguing that shorter shot clocks should not be implemented because “cities are already resource constrained and any further attempt to further limit the current time periods for review of applications will seriously and adversely affect public safety as well as diminish the proper role, under our federalist system, of state and local governments in regulating local rights of way”); Smart Communities Comments, Docket 16-421, at 13 (filed Mar. 8, 2017) (included by reference by Austin’s Comments); Alaska Dept. of Trans. Comments at 2. See, e.g., TX Hist. Comm. Comments at 2 (current shot clocks are appropriate and that further shortening these shot clocks is not warranted); Arlington, TX Comments at 2; Letter from William Tomko, Mayor of Chagrin Falls, OH, to Marlene Dortch, Secretary, FCC, WT Docket No. 17-79 et al., at 1-2 (filed Sept. 17, 2018); Nina Beety Sept. 17, 2018 *Ex Parte* Letter; Georgia Municipal Association Sept. 17, 2018 *Ex Parte* Letter at 4.

<sup>317</sup> League of Az Cities and Towns *et al.* Comments at 26-27, 29-35; Cities of San Antonio *et. al* Comments at 8; Philadelphia Comments at 4.

<sup>318</sup> T-Mobile Comments at 22; Florida Coalition Comments at 9 (creating new shot clocks would result in “too many ‘shot clocks’ and both the industry and local governments would be confused as to which shot clock applied to what application”).

<sup>319</sup> While several parties proposed additional shot clock categories, we believe that the any benefit from a closer tailoring of categories to circumstances is not outweighed by the administrative burden on siting authorities and

also reject the assertion that revising the period of time to review siting decisions would amount to a nationwide land use code for wireless siting.<sup>320</sup> Our approach is consistent with the Model Code for Municipalities that recognizes that the shot clocks that we are adopting for the review of Small Wireless Facility deployment applications correctly balance the needs of local siting agencies and wireless service providers.<sup>321</sup> Our balance of the relevant considerations is informed by our experience with the previously adopted shot clocks, the record in this proceeding, and our predictive judgment about the effectiveness of actions taken here to promote the provision of personal wireless services.

111. For similar reasons as set forth above, we also find it reasonable to establish a new 90 day Section 332 shot clock for new construction of Small Wireless Facilities. Ninety days is a presumptively reasonable period of time for localities to review such siting applications. Small Wireless Facilities have far less visual and other impact than the facilities we considered in 2009, and should accordingly require less time to review.<sup>322</sup> Indeed, some state and local governments have already adopted 60-day maximum reasonable periods of time for review of *all* small cell siting applications, and, even in the absence of such maximum requirements, several are already reviewing and approving small-cell siting applications within 60 days or less after filing.<sup>323</sup> Numerous industry commenters advocated a 90-day shot clock for all non-collocation deployments.<sup>324</sup> Based on this record, we find it reasonable to conclude that review of an application to deploy a Small Wireless Facility using a new structure warrants more review time than a mere collocation, but less than the construction of a macro tower.<sup>325</sup> For the reasons explained below, we

(Continued from previous page)

providers to manage these categories. *See* TX Hist. Comm. Comments at 2 (stating that it “could support a shorter review period for new structures less than fifty (50) feet tall, or where structures are located within or adjacent to existing utility rights-of-way (but not transportation rights-of-way) with existing utility structures taller than the proposed telecommunications structure”); Georgia Dept. of Trans. Comments at 2 (stating that time frames based on the zoning area are reasonable).

<sup>320</sup> Cities of San Antonio *et. al* Comments, Exh. A at 17-18. In the same vein, the Florida Department of Transportation contends that “[p]ermit review times should comply with state statutes,” especially if the industry insists on being treated similarly as other utilities. AASHTO Comments, Attach. at 13 (Florida Dept. of Trans. Comments); *see also* Alaska Dept. of Trans. Comments at 2; TX Dept. of Trans. Comments at 2 (explaining that variations in topography, weather, government interests, and state and local political structure counsel against standardized nationwide shot clocks). The Maryland Department of Transportation is concerned about the shortened shot clocks proposed because they would conflict with a Maryland law that requires a 90-day comment period in considering wireless siting applications and because certain applications can be complex and necessitate longer review periods. AASHTO Comments, Attach. at 40 (MD Dept. of Trans. Comments).

<sup>321</sup> BDAC Model Municipal Code at § 3.2a(i)(B).

<sup>322</sup> CTIA Comments, Attach. 1 at 38.

<sup>323</sup> T-Mobile Comments at 19-20 (stating that some states already have adopted more expedited time frames to lower siting barriers and speed deployment, which demonstrates the reasonableness of the proposed 60-day and 90-day revised shot clocks); Incompas Reply at 9 (stating that there is no basis for differing time-periods for similarly-situated small cell installation requests, and the lack of harmonization could discourage the use of a more efficient infrastructure); CCA Comments at 14 n.52 (citing CCA Streamlining Reply at 7-8 that in Houston, Texas, the review process for small cell deployments “usually takes 2 weeks, but no more than 30 days to process and complete the site review. In Kenton County, Kentucky, the maximum time permitted to act upon new facility siting requests is 60 days. Louisville, Kentucky generally processes small cell siting requests within 30 days, and Matthews, North Carolina generally processes wireless siting applications within 10 days”).

<sup>324</sup> CTIA Reply at 3 (stating that the Commission should shorten the shot clocks to 90 days for new facilities); CTIA Comments at 11-12 (asserting that the existing 150-day review period for new wireless sites should be shortened to 90 days); Crown Castle Comments at 29 (stating that a 90-day shot clock for new facilities is appropriate for macro cells and small cells alike, to the extent such applications require review under Section 332 at all); ExteNet Comments at 8 (asserting that the Commission should accelerate the shot clock for all other non-collocation applications, including those for new DNS poles, from 150 days to 90 days); WIA Reply at 2.

<sup>325</sup> CCUA argues that the new shot clocks would force siting authorities to deny applications when they find that applications are incomplete. Letter from Kenneth S. Fellman, Counsel, CCUA, to Marlene H. Dortch, Secretary,

also specify today a provision that will initially reset these two new shot clocks in the event that a locality receives a materially incomplete application.

112. Finally, we note that our 60- and 90-day approach is similar to that in pending legislation that has bipartisan congressional support, and is consistent with the Model Code for Municipalities. Specifically, the draft STREAMLINE Small Cell Deployment Act, would apply a 60-day shot clock to collocation of small personal wireless service facilities and a 90-day shot clock to any other action relating to small personal wireless service facilities.<sup>326</sup> Further, the Model Code for Municipalities recommended by the FCC’s Broadband Deployment Advisory Committee also utilizes this same 60-day and 90-day framework for collocation of Small Wireless Facilities and new structures.<sup>327</sup>

## 2. Batched Applications for Small Wireless Facilities

113. Given the way in which Small Wireless Facilities are likely to be deployed, in large numbers as part of a system meant to cover a particular area, we anticipate that some applicants will submit “batched” applications: multiple separate applications filed at the same time, each for one or more sites *or* a single application covering multiple sites.<sup>328</sup> In the *Wireless Infrastructure NPRM/NOI*, the Commission asked whether batched applications should be subject to either longer or shorter shot clocks than would apply if each component of the batch were submitted separately.<sup>329</sup> Industry commenters contend that the shot clock applicable to a batch or a class of applications should be no longer than that applicable to an individual application of the same class.<sup>330</sup> On the other hand, several commenters, contend that batched applications have often been proposed in historic districts and historic buildings (areas that require a more complex review process), and given the complexities associated with reviews of that type, they urge the Commission not to apply shorter shot clocks to batched applications.<sup>331</sup> Some localities also argue that a single, national shot clock for batched applications would fail to account for unique local circumstances.<sup>332</sup>

114. We see no reason why the shot clocks for batched applications to deploy Small Wireless Facilities should be longer than those that apply to individual applications because, in many cases, the batching of such applications has advantages in terms of administrative efficiency that could actually

(Continued from previous page)

FCC, WT Docket No. 17-79 et al., at 3 (filed Sept. 18, 2018) (Kenneth S. Fellman Sept. 18, 2018 *Ex Parte* Letter). We disagree that this would be the outcome in such an instance because, as explained below, siting authorities can toll the shot clocks upon a finding of incompleteness.

<sup>326</sup> STREAMLINE Small Cell Deployment Act, S. 3157, 115th Cong. (2018).

<sup>327</sup> BDAC Model Municipal Code at § 3.2a(i)(B),

<sup>328</sup> We define either scenario as “batching” for the purpose of our discussion here.

<sup>329</sup> *Wireless Infrastructure NPRM/NOI*, 32 FCC Rcd at 3338, para. 18; *see also* *Mobilitie PN*, 31 FCC Rcd at 13371.

<sup>330</sup> *See, e.g.*, Extenet Comments at 10-11 (“The Commission should not adopt a longer shot clock for batches of multiple DNS applications.”); Sprint Comments, Docket No. 16-421, at 43-44 (filed Mar. 8, 2017); CCA Comments at 16 (“The FCC also should ensure that batch applications are not saddled with a longer shot clock than those afforded to individual siting applications . . . .”); Verizon Comments at 42 (“The same 60-day shot clock should apply to applications proposing multiple facilities—so called ‘batch applications.’”); Crown Castle Comments at 30 (“Crown Castle also does not support altering the deadline for ‘batches’ of requests.”); T-Mobile Comments at 22-23 (“[A]n application that batches together similar numbers of small cells of like character and in proximity to one another should also be able to be reviewed within the same time frame . . . .”); CTIA Comments at 17 (“There is, however, no need for the Commission to establish different shot clocks for batch processing of similar facilities . . . .”).

<sup>331</sup> San Antonio Comments, Exh. A at 17, 19-20; *see also* Smart Communities Comments, Docket No. 16-421, at 47 (filed Mar. 8, 2017) (referenced by Austin’s Comments).

<sup>332</sup> Cities of San Antonio *et al.* Comments, Exh. A at 17, 19-20; *see also* Smart Communities Comments, Docket 16-421, at 47 (filed Mar. 8, 2017) (referenced by Austin’s Comments).



make review easier.<sup>333</sup> Our decision flows from our current Section 332 shot clock policy. Under our two existing Section 332 shot clocks, if an applicant files multiple siting applications on the same day for the same type of facilities, each application is subject to the same number of review days by the siting agency.<sup>334</sup> These multiple siting applications are equivalent to a batched application and therefore the shot clocks for batching should follow the same rules as if the applications were filed separately. Accordingly, when applications to deploy Small Wireless Facilities are filed in batches, the shot clock that applies to the batch is the same one that would apply had the applicant submitted individual applications. Should an applicant file a single application for a batch that includes both collocated and new construction of Small Wireless Facilities, the longer 90-day shot clock will apply, to ensure that the siting authority has adequate time to review the new construction sites.

115. We recognize the concerns raised by parties arguing for a longer time period for at least some batched applications, but conclude that a separate rule is not necessary to address these concerns. Under our approach, in extraordinary cases, a siting authority, as discussed below, can rebut the presumption of reasonableness of the applicable shot clock period where a batch application causes legitimate overload on the siting authority's resources.<sup>335</sup> Thus, contrary to some localities' arguments,<sup>336</sup> our approach provides for a certain degree of flexibility to account for exceptional circumstances. In addition, consistent with, and for the same reasons as our conclusion below that Section 332 does not permit states and localities to prohibit applicants from requesting multiple types of approvals simultaneously,<sup>337</sup> we find that Section 332(c)(7)(B)(ii) similarly does not allow states and localities to refuse to accept batches of applications to deploy Small Wireless Facilities.

#### **B. New Remedy for Violations of the Small Wireless Facilities Shot Clocks**

116. In adopting these new shot clocks for Small Wireless Facility applications, we also provide an additional remedy that we expect will substantially reduce the likelihood that applicants will need to pursue additional and costly relief in court at the expiration of those time periods.

117. At the outset, and for the reasons the Commission articulated when it adopted the 2009 shot clocks, we determine that the failure of a state or local government to issue a decision on a Small Wireless Facility siting application within the presumptively reasonable time periods above will constitute a "failure to act" within the meaning of Section 332(c)(7)(B)(v). Therefore, a provider is, at a minimum, entitled to the same process and remedies available for a failure to act within the new Small Wireless Facility shot clocks as they have been under the FCC's 2009 shot clocks. But we also add an additional remedy for our new Small Wireless Facility shot clocks.

118. State or local inaction by the end of the Small Wireless Facility shot clock will function not only as a Section 332(c)(7)(B)(v) failure to act but also amount to a presumptive prohibition on the provision of personal wireless services within the meaning of Section 332(c)(7)(B)(i)(II). Accordingly, we would expect the state or local government to issue all necessary permits without further delay. In cases where such action is not taken, we assume, for the reasons discussed below, that the applicant

---

<sup>333</sup> See, e.g., Sprint Comments, Docket No. 16-421, at 43-44 (filed Mar. 8, 2017); Verizon Comments at 42; CTIA Comments at 17.

<sup>334</sup> WIA Comments at 27 ("Merely bundling similar sites into a single batched application should not provide a locality with more time to review a single batched application than to process the same applications if submitted individually.").

<sup>335</sup> See *infra* paras. 117, 119. See Letter from Nina Beety, to Marlene Dortch, Secretary, FCC, WT Docket No. 17-79 (filed Sept. 17, 2018); Letter from Dave Ruller, City Manager, City of Kent, OH, to Marlene H. Dortch, Secretary, FCC, WT Docket No. 17-79 at 2 (filed Sept. 18, 2018).

<sup>336</sup> Cities of San Antonio *et al.* Comments, Exh. A at 17, 19-20; see also Smart Communities Comments, Docket 16-421, at 47 (filed Mar. 8, 2017) (referenced by Austin's Comments).

<sup>337</sup> See *infra* para. 144.

would have a straightforward case for obtaining expedited relief in court.<sup>338</sup>

119. As discussed in the Declaratory Ruling, a regulation under Section 332(c)(7)(B)(i)(II) constitutes an effective prohibition if it materially limits or inhibits the ability of any competitor or potential competitor to compete in a fair and balanced legal and regulatory environment.<sup>339</sup> Missing shot clock deadlines would thus presumptively have the effect of unlawfully prohibiting service in that such failure to act can be expected to materially limit or inhibit the introduction of new services or the improvement of existing services.<sup>340</sup> Thus, when a siting authority misses the applicable shot clock deadline, the applicant may commence suit in a court of competent jurisdiction alleging a violation of Section 332(c)(7)(B)(i)(II), in addition to a violation of Section 332(c)(7)(B)(ii), as discussed above. The siting authority then will have an opportunity to rebut the presumption of effective prohibition by demonstrating that the failure to act was reasonable under the circumstances and, therefore, did not materially limit or inhibit the applicant from introducing new services or improving existing services.

120. Given the seriousness of failure to act within a reasonable period of time, we expect, as noted above, siting authorities to issue without any further delay all necessary authorizations when notified by the applicant that they have missed the shot clock deadline, absent extraordinary circumstances. Where the siting authority nevertheless fails to issue all necessary authorizations and litigation is commenced based on violations of Sections 332(c)(7)(B)(i)(II) and/or 332(c)(7)(B)(ii), we expect that applicants and other aggrieved parties will likely pursue equitable judicial remedies.<sup>341</sup> Given the relatively low burden on state and local authorities of simply acting—one way or the other—within the Small Wireless Facility shot clocks, we think that applicants would have a relatively low hurdle to clear in establishing a right to expedited judicial relief. Indeed, for violations of Section 332(c)(7)(B), courts commonly have based the decision whether to award preliminary and permanent injunctive relief on several factors. As courts have concluded, preliminary and permanent injunctions fulfill Congressional intent that action on applications be timely and that courts consider violations of Section 332(c)(7)(B) on an expedited basis.<sup>342</sup> In addition, courts have observed that “[a]lthough Congress in the Telecommunications Act left intact some of local zoning boards’ authority under state law,” they should not be owed deference on issues relating to Section 332(c)(7)(B)(ii), meaning that “in the majority of cases the proper remedy for a zoning board decision that violates the Act will be an order. . . instructing the board to authorize construction.”<sup>343</sup> Such relief also is supported where few or no issues remain to be decided, and those that remain can be addressed by a court.<sup>344</sup>

121. Consistent with those sensible considerations reflected in prior precedent, we expect that

---

<sup>338</sup> Where we discuss litigation here, we refer, for convenience, to “the applicant” or the like, since that is normally the party that pursues such litigation. But we reiterate that under the Act, “[a]ny person adversely affected by” the siting authority’s failure to act could pursue such litigation. 47 U.S.C. § 332(c)(7)(B)(v).

<sup>339</sup> See *supra* paras. 34-42.

<sup>340</sup> *Id.*

<sup>341</sup> See, e.g., *2014 Wireless Infrastructure Order*, 29 FCC Rcd at 12978, para. 284.

<sup>342</sup> See, e.g., *Green Mountain Realty Corp. v. Leonard*, 750 F.3d 30, 41 (1st Cir. 2014) (addressing claimed violation of Section 332(c)(7)(B)(i)(II) of the Act); *Nat’l Tower, LLC v. Plainville Zoning Bd. of Appeals*, 297 F.3d 14, 21-22 (1st Cir. 2002) (*Nat’l Tower*) (same); *Cellular Tel. Co. v. Town of Oyster Bay*, 166 F.3d 490, 497 (2d Cir. 1999) (addressing violation of Section 332(c)(7)(B)(v) of the Act); *AT&T Mobility Servs., LLC v. Vill. of Corrales*, 127 F. Supp. 3d 1169, 1175-76 (D.N.M. 2015) (addressing violation of Section 332(c)(7)(B)(i)(II)); *Bell Atl. Mobile of Rochester v. Town of Irondequoit*, 848 F. Supp. 2d 391, 403 (W.D.N.Y. 2012) (addressing violation of Section 332(c)(7)(B)(ii)); *New Cingular Wireless PCS, LLC v. City of Manchester*, 2014 WL 79932, \*8 (D.N.H. Feb. 28, 2014) (addressing violation of Section 332(c)(7)(B)(i)(II)).

<sup>343</sup> See, e.g., *Nat’l Tower*, 297 F.3d at 21-22; *AT&T Mobility*, 127 F. Supp. 3d at 1176.

<sup>344</sup> See, e.g., *Green Mountain Realty*, 750 F.3d at 41-42; *Nat’l Tower*, 297 F.3d at 24-25; *Cellular Tel. Co.*, 166 F.3d at 497; *Bell Atl. Mobile*, 848 F. Supp. 2d at 403; *New Cingular Wireless PCS*, 2014 WL 79932, \*8.

courts will typically find expedited and preliminary and permanent injunctive relief warranted for violations of Sections 332(c)(7)(B)(i)(II) and 332(c)(7)(B)(ii) of the Act when addressing the circumstances discussed in this Order. Prior findings that preliminary and permanent injunctive relief best advances Congress's intent in assuring speedy resolution of issues encompassed by Section 332(c)(7)(B) appear equally true in the case of deployments of Small Wireless Facilities covered by our interpretation of Section 332(c)(7)(B)(ii) in this Third Report and Order.<sup>345</sup> Although some courts, in deciding whether an injunction is the appropriate form of relief, have considered whether a siting authority's delay resulted from bad faith or involved other abusive conduct,<sup>346</sup> we do not read the trend in court precedent overall to treat such considerations as more than relevant (as opposed to indispensable) to an injunction. We believe that this approach is sensible because guarding against barriers to the deployment of personal wireless facilities not only advances the goal of Section 332(c)(7)(B) but also policies set out elsewhere in the Communications Act and 1996 Act, as the Commission recently has recognized in the case of Small Wireless Facilities.<sup>347</sup> This is so whether or not these barriers stem from bad faith. Nor do we anticipate that there would be unresolved issues implicating the siting authority's expertise and therefore requiring remand in most instances.

122. In light of the more detailed interpretations that we adopt here regarding reasonable time frames for siting authority action on specific categories of requests—including guidance regarding circumstances in which longer time frames nonetheless can be reasonable—we expect that litigation generally will involve issues that can be resolved entirely by the relevant court. Thus, as the Commission has stated in the past, “in the case of a failure to act within the reasonable time frames set forth in our rules, and absent some compelling need for additional time to review the application, we believe that it would also be appropriate for the courts to treat such circumstances as significant factors weighing in favor of [injunctive] relief.”<sup>348</sup> We therefore caution those involved in potential future disputes in this area against placing too much weight on the Commission's recognition that a siting authority's failure to act within the associated timeline might not always result in a preliminary or permanent injunction under the Section 332(c)(7)(B) framework while placing too little weight on the Commission's recognition that policies established by federal communications laws are advanced by streamlining the process for deploying wireless facilities.

123. We anticipate that the traditional requirements for awarding preliminary or permanent injunctive relief would likely be satisfied in most cases and in most jurisdictions where a violation of 332(c)(7)(B)(i)(II) and/or 332(c)(7)(B)(ii) is found. Typically, courts require movants to establish the following elements of preliminary or permanent injunctive relief: (1) actual success on the merits for permanent injunctive relief and likelihood of success on the merits for preliminary injunctive relief, (2) continuing irreparable injury, (3) the absence of an adequate remedy at law, (4) the injury to the movant outweighs whatever damage the proposed injunction may cause the opposing party, and (5) award of injunctive relief would not be adverse to the public interest.<sup>349</sup> Actual success on the merits would be

---

<sup>345</sup> See *Green Mountain Realty Corp.*, 750 F.3d at 41 (reasoning that remand to the siting authority “would not be in accordance with the text or spirit of the Telecommunications Act); *Cellular Tel. Co.*, 166 F.3d at 497 (noting “that injunctive relief best serves the TCA's stated goal of expediting resolution” of cases brought under 47 U.S.C. § 332(c)(7)(B)(v)).

<sup>346</sup> See, e.g., *Nat'l Tower*, 297 F.3d at 23; *Up State Tower Co. v. Town of Kiantone*, 718 Fed. Appx. 29, 32 (2d Cir. 2017) (Summary Order).

<sup>347</sup> See, e.g., *Wireless Infrastructure Second R&O*, FCC 18-30 at para. 62; *Wireless Infrastructure NPRM/NOI*, 32 FCC Rcd at 3332, para. 5.

<sup>348</sup> *2014 Wireless Infrastructure Order*, 29 FCC Rcd at 12978, para. 284.

<sup>349</sup> *Pub. Serv. Tel. Co. v. Georgia Pub. Serv. Comm'n*, 755 F. Supp. 2d 1263, 1273 (N.D. Ga.), *aff'd*, 404 F. App'x 439 (11th Cir. 2010); *Klay v. United Healthgroup, Inc.*, 376 F.3d 1092, 1097 (11th Cir. 2004); *Nat. Res. Def. Council v. Texaco Ref. & Mktg., Inc.*, 906 F.2d 934, 941 (3d Cir. 1990); *Randolph v. Rodgers*, 170 F.3d 850, 857 (8th Cir. 1999); *Prairie Band Potawatomi Nation v. Wagnon*, 476 F.3d 818, 822 (10th Cir. 2007); *Walters v. Reno*, 145 F.3d 1032, 1048 (9th Cir. 1998); *K-Mart Corp. v. Oriental Plaza, Inc.*, 875 F.2d 907, 914–15 (1st Cir. 1989).

demonstrated when an applicant prevails in its failure-to-act or effective prohibition case; likelihood of success would be demonstrated because, as discussed, missing the shot clocks, depending on the type of deployment, presumptively prohibits the provision of personal wireless services and/or violates Section 332(c)(7)(B)(ii)'s requirement to act within a reasonable period of time.<sup>350</sup> Continuing irreparable injury likely would be found because remand to the siting authority “would serve no useful purpose” and would further delay the applicant’s ability to provide personal wireless service to the public in the area where deployment is proposed, as some courts have previously determined.<sup>351</sup> There also would be no adequate remedy at law because applicants “have a federal statutory right to participate in a local [personal wireless services] market free from municipally-imposed barriers to entry,” and money damages cannot directly substitute for this right.<sup>352</sup> The public interest and the balance of harms also would likely favor the award of a preliminary or permanent injunction because the purpose of Section 332(c)(7) is to encourage the rapid deployment of personal wireless facilities while preserving, within bounds, the authority of states and localities to regulate the deployment of such facilities, and the public would benefit if further delays in the deployment of such facilities—which a remand would certainly cause—are prevented.<sup>353</sup> We also expect that the harm to the siting authority would be minimal because the only right of which it would be deprived by a preliminary or permanent injunction is the right to act on the siting application beyond a reasonable time period,<sup>354</sup> a right that “is not legally cognizable, because under [Sections 332(c)(7)(B)(i)(II) and 332(c)(7)(B)(ii)], the [siting authority] has no right to exercise this power.”<sup>355</sup> Thus, in the context of Small Wireless Facilities, we expect that the most appropriate remedy in typical cases involving a violation of Sections 332(c)(7)(B)(i)(II) and/or 332(c)(7)(B)(ii) is the award of injunctive relief in the form of an order to issue all necessary authorizations.<sup>356</sup>

124. Our approach advances Section 332(c)(7)(B)(v)'s provision that certain siting disputes, including those involving a siting authority's failure to act, shall be heard and decided by a court of competent jurisdiction on an expedited basis. The framework reflected in this Order will provide the courts with substantive guiding principles in adjudicating Section 332(c)(7)(B)(v) cases, but it will not dictate the result or the remedy appropriate for any particular case; the determination of those issues will remain within the courts' domain.<sup>357</sup> This accords with the Fifth Circuit's recognition in *City of Arlington*

(Continued from previous page) \_\_\_\_\_

Note that the standards for permanent injunctive relief differ in some respects among the circuits and the states. For example, “most courts do not consider the public interest element in deciding whether to issue a permanent injunction, though the Third Circuit has held otherwise.” *Klay*, 376 F.3d at 1097. Courts in the Second Circuit consider only irreparable harm and success on the merits. *Omnipoint Commc'ns, Inc. v. Vill. of Tarrytown Planning Bd.*, 302 F. Supp. 2d 205, 225 (S.D.N.Y. 2004). The Third and Fifth Circuits have precedents holding that irreparable harm is not an essential element of a permanent injunction. *See Roe v. Operation Rescue*, 919 F.2d 857, 873 n. 8 (3d Cir. 1990); *Lewis v. S. S. Baune*, 534 F.2d 1115, 1123–24 (5th Cir. 1976). For the sake of completeness, our analysis discusses all of the elements that have been used in decided cases.

<sup>350</sup> *See New Jersey Payphone*, 130 F. Supp. 2d at 640.

<sup>351</sup> *See Vill. of Tarrytown Planning Bd.*, 302 F. Supp. 2d at 225–26 (quoting *Nextel Partners, Inc. v. Town of Amherst, N.Y.*, 251 F. Supp. 2d 1187, 1201 (W.D.N.Y. 2003)); *see Upstate Cellular Network v. City of Auburn*, 257 F. Supp. 3d 309, 318 (N.D.N.Y. 2017).

<sup>352</sup> *New Jersey Payphone*, 130 F. Supp. 2d at 641.

<sup>353</sup> *City of Arlington*, 668 F.3d at 234.

<sup>354</sup> *Contra* 47 U.S.C. 332(c)(7)(B)(ii).

<sup>355</sup> *New Jersey Payphone*, 130 F. Supp. 2d at 641.

<sup>356</sup> *See Cellular Tel. Co.*, 166 F.3d at 496. While our discussion here focused on cases that apply the permanent injunction standard, we have the same view regarding relief under the preliminary injunction standard when a locality fails to act within the applicable shot clock periods. *See, e.g., Winter v. Natural Res. Def. Council, Inc.*, 555 U.S. 7, 22 (2008) (discussing the standard for preliminary injunctive relief).

<sup>357</sup> Several commenters support this position, urging the Commission to reaffirm that adversely affected applicants must seek redress from the courts. *See, e.g., League of Ar Cities and Towns et al. Comments* at 14-21; Philadelphia

that the Act could be read “as establishing a framework in which a wireless service provider must seek a remedy for a state or local government’s unreasonable delay in ruling on a wireless siting application in a court of competent jurisdiction while simultaneously allowing the FCC to issue an interpretation of § 332(c)(7)(B)(ii) that would guide courts’ determinations of disputes under that provision.”<sup>358</sup>

125. The guidance provided here should reduce the need for, and complexity of, case-by-case litigation and reduce the likelihood of vastly different timing across various jurisdictions for the same type of deployment.<sup>359</sup> This clarification, along with the other actions we take in this Third Report and Order, should streamline the courts’ decision-making process and reduce the possibility of inconsistent rulings. Consequently, we believe that our approach helps facilitate courts’ ability to “hear and decide such [lawsuits] on an expedited basis,” as the statute requires.<sup>360</sup>

126. Reducing the likelihood of litigation and expediting litigation where it cannot be avoided should significantly reduce the costs associated with wireless infrastructure deployment. For instance, WIA states that if one of its members were to challenge every shot clock violation it has encountered, it would be mired in lawsuits with forty-six localities.<sup>361</sup> And this issue is likely to be compounded given the expected densification of wireless networks. Estimates indicate that deployments of small cells could reach up to 150,000 in 2018 and nearly 800,000 by 2026.<sup>362</sup> If, for example, 30 percent (based on T-Mobile’s experience<sup>363</sup>) of these expected deployments are not acted upon within the applicable shot clock

(Continued from previous page)

Comments at 2; Philadelphia Reply at 4-6; City of San Antonio *et al.* Comments, Exh. B at 14-15; San Francisco Comments at 16-17; Colorado Munis Comments at 7; CWA Reply at 5; Fairfax County Comments at 12-15; AASHTO Comments at 20-21, 23 (ID Dept. of Trans. Comments); NATOA Comments, Attach. 3 at 53-55; NLC Comments at 3-4; Smart Communities Comments at 39-43. Our interpretation thus preserves a meaningful role for courts under Section 332(c)(7)(B)(v), contrary to the concern some commenters expressed with particular focus on alternative proposals we do not adopt, such as a deemed granted remedy. *See, e.g.,* Colorado Comm. and Utility All. *et al.* Comments at 6-7; League of Az Cities and Towns *et al.* Comments at 14-23; Philadelphia Comments at 2; Baltimore Reply at 11; City of San Antonio *et al.* Reply at 2; San Francisco Reply at 6; League of Az Cities and Towns *et al.* Reply at 2-3. In addition, our interpretation of Section 332(c)(7)(B)(ii) does not result in a regime in which the Commission could be seen as implicitly issuing local land use permits, a concern that states and localities raised regarding an absolute deemed granted remedy, because applicants are still required to petition a court for relief, which may include an injunction directing siting authorities to grant the application. *See* Alexandria Comments at 2; Baltimore Reply at 10; Philadelphia Reply at 8; Smart Cities Coal Comments at ii, 4, 39.

<sup>358</sup> *City of Arlington*, 668 F.3d at 250.

<sup>359</sup> The likelihood of non-uniform or inconsistent rulings on what time frames are reasonable or what circumstances could rebut the presumptive reasonableness of the shot clock periods stems from the intrinsic ambiguity of the phrase “reasonable period of time,” which makes it susceptible of varying constructions. *See City of Arlington*, 668 F.3d at 255 (noting “that the phrase ‘a reasonable period of time,’ as it is used in § 332(c)(7)(B)(ii), is inherently ambiguous”); *Capital Network System, Inc. v. FCC*, 28 F.3d 201, 204 (D.C. Cir. 1994) (“Because ‘just,’ ‘unjust,’ ‘reasonable,’ and ‘unreasonable’ are ambiguous statutory terms, this court owes substantial deference to the interpretation the Commission accords them.”). *See also* Lighttower Comments at 3 (“The lack of consistent guidance regarding statutory interpretation is creating uncertainty at the state and local level, with many local jurisdictions seeming to simply make it up as they go. Differences in the federal courts are only exacerbating the patchwork of interpretations at the state and local level.”).

<sup>360</sup> 47 U.S.C. § 332(c)(7)(B)(v).

<sup>361</sup> WIA Comments at 16.

<sup>362</sup> *Comment Sought on Streamlining Deployment of Small Cell Infrastructure by Improving Wireless Facilities Siting Policies; Mobilitie, LLC Petition for Declaratory Ruling*, Public Notice, 31 FCC Rcd 13360, 13363-64 (2016) (citing S&P Global Market Intelligence, John Fletcher, Small Cell and Tower Projections through 2026, SNL Kagan Wireless Investor (Sept. 27, 2016)).

<sup>363</sup> T-Mobile Comments at 8.

period, that would translate to 45,000 violations in 2018 and 240,000 violations in 2026.<sup>364</sup> These sheer numbers would render it practically impossible to commence Section 332(c)(7)(B)(v) cases for all violations, and litigation costs for such cases likely would be prohibitive and could virtually bar providers from deploying wireless facilities.<sup>365</sup>

127. Our updated interpretation of Section 332(c)(7) for Small Wireless Facilities effectively balances the interest of wireless service providers to have siting applications granted in a timely and streamlined manner<sup>366</sup> and the interest of localities to protect public safety and welfare and preserve their authority over the permitting process.<sup>367</sup> Our specialized deployment categories, in conjunction with the acknowledgement that in rare instances, it may legitimately take longer to act, recognize that the siting process is complex and handled in many different ways under various states' and localities' long-established codes. Further, our approach tempers localities' concerns about the inflexibility of the *Wireless Infrastructure NPRM/NOI*'s deemed granted proposal because the new remedy we adopt here accounts for the breadth of potentially unforeseen circumstances that individual localities may face and the possibility that additional review time may be needed in truly exceptional circumstances.<sup>368</sup> We further find that our interpretive framework will not be unduly burdensome on localities because a number of states have already adopted even more stringent deemed granted remedies.<sup>369</sup>

128. At the same time, there may be merit in the argument made by some commenters that the FCC has the authority to adopt a deemed granted remedy.<sup>370</sup> Nonetheless, we do not find it necessary to decide that issue today, as we are confident that the rules and interpretations adopted here will provide substantial relief, effectively avert unnecessary litigation, allow for expeditious resolution of siting applications, and strike the appropriate balance between relevant policy considerations and statutory

---

<sup>364</sup> These numbers would escalate under WIA's estimate that 70 percent of small cell deployment applications exceed the applicable shot clock. WIA Comments at 7.

<sup>365</sup> See CTIA Comments at 9 (explaining that, "[p]articularly for small cells, the expense of litigation can rarely be justified"); WIA Comments at 16 (quoting and discussing Lightower's Comments in 2016 Streamlining Public Notice); T-Mobile Comment, Attach. A at 8.

<sup>366</sup> See, e.g., AT&T Comments at 26; CCA Comments at 7, 9, 11-12; CCA Reply at 5-6, 8; Cityscape Consultants Comments at 1; CompTIA Comments at 3; CIC Comments at 17-18; Crown Castle Comments at 23-28; Crown Castle Reply at 3; CTIA Comments at 7-9, Attach. 1 at 5, 39-43, Attach. 2 at 3, 23-24; GCI Comments at 5-9; Lightower Comments at 7, 18-19; Samsung Comments at 6; T-Mobile Comments at 13, 16, Attach. A at 25; WIA Comments at 15-17.

<sup>367</sup> See, e.g., Arizona Munis Comments at 23; Arizona Munis Reply at 8-9; Baltimore Reply at 10; Lansing Comments at 2; Philadelphia Reply at 9-12; Torrance Comments at 1-2; CPUC Comments at 14; CWA Reply at 5; Minnesota Munis Comments at 9; *but see* CTIA Reply at 9.

<sup>368</sup> See, e.g., Chicago Comments at 2 (contending that wireless facilities siting entails fact-specific scenarios); AASHTO Comments, Attach. at 40 (MD Dept. of Trans. SHA Comments) (describing the complexity of reviewing proposed deployments on rights-of-way); AASHTO Comments, Attach. at 51 (Wyoming DOT Comments); Baltimore Reply at 11; Philadelphia Comments at 4; Alexandria Comments at 6; Mukilteo Comments at 1; Alaska Dept. of Trans. Comments at 2; Alaska SHPO Reply at 1.

<sup>369</sup> See Fla. Stat. Ann. § 365.172(13)(d)(3.b); Ariz. Rev. Stat. Ann. § 9-594(C) (3); 53 Pa. Stat. Ann. § 11702.4; Cal. Gov't Code § 65964.1; Va. Code Ann. § 15.2-2232; Va. Code Ann. § 15.2-2316.4; Va. Code Ann. § 56-484.29; Va. Code Ann. § 56-484.28; Ky. Rev. Stat. Ann. § 100.987; N.H. Rev. Stat. Ann. § 12-K:10; Wis. Stat. Ann. § 66.0404; Kan. Stat. Ann. § 66-2019(h)(3); Del. Code Ann. tit. 17, § 1609; Iowa Code Ann. § 8C.7A(3)(c)(2); Iowa Code Ann. § 8C.4(4)(5); Iowa Code Ann. § 8C.5; Mich. Comp. Laws Ann. § 125.3514. See also CCA Reply at 9.

<sup>370</sup> See, e.g., CTIA Comments at 10-11; T-Mobile Comments at 15-18, Verizon Comments at 37, 39-41, WIA Comments at 17-20.

objectives<sup>371</sup> guiding our analysis.<sup>372</sup>

129. We expect that our decision here will result in localities addressing applications within the applicable shot clocks in a far greater number of cases. Moreover, we expect that the limited instances in which a locality does not issue a decision within that time period will result in an increase in cases where the locality then issues all needed permits. In what we expect would then be only a few cases where litigation commences, our decision makes clear the burden that localities would need to clear in those circumstances.<sup>373</sup> Our updated interpretation of Section 332 for Small Wireless Facilities will help courts to decide failure-to-act cases expeditiously and avoid delays in reaching final dispositions.<sup>374</sup> Placing this burden on the siting authority should address the concerns raised by supporters of a deemed granted remedy—that filing suit in court to resolve a siting dispute is burdensome and expensive on applicants, the judicial system, and citizens—because our interpretations should expedite the courts’

<sup>371</sup> *City of Arlington*, 668 F.3d at 234 (noting that the purpose of Section 332(c)(7) is to balance the competing interests to preserve the traditional role of state and local governments in land use and zoning regulation and the rapid development of new telecommunications technologies).

<sup>372</sup> See *supra* paras. 119-20 (explaining how the remedy strikes the proper balance between competing interests). Because our approach to shot clocks involves our interpretation of Section 332(c)(7)(B)(ii) and the consequences that flow from that—and does not rely on Section 253 of the Act—we need not, and thus do not, resolve disputes about the potential use of Section 253 in this specific context, such as whether it could serve as authority for a deemed granted or similar remedy. See, e.g., San Francisco Comments at 9-10; CPUC Comments at 10; Smart Communities Comments at 4-11, 21; Smart Communities Reply at 78-79; League of Az Cities and Towns *et al.* Reply at 4; Alexandria Comments at 5; Irvine Comments at 5; Minnesota Cities Comments at 11-13; Philadelphia Reply at 2, 7; Fairfax County Comments at 17; Greenlining Reply at 4; NRUC Reply at 3-5; NATOA June 21, 2018 *Ex Parte* Letter. To the extent that commenters raise arguments regarding the proper interpretation of “prohibit or have the effect of prohibiting” under Section 253 or the scope of Section 253, these issues are discussed in the Declaratory Ruling, see *supra* paras. 34-42.

<sup>373</sup> See App Association Comments at 9; CCI Comments at 6-8; Conterra Comments at 14-17; ExteNet Comments at 13; T-Mobile Comments at 17; Quintillion Reply at 6; Verizon Comments at 8-18; WIA Comments at 9-10. WIA contends that adoption of a deemed granted remedy is needed because various courts faced with shot clock claims have failed to provide meaningful remedies, citing as an example a case in which the court held that the town failed to act within the shot clock period but then declined to issue an injunction directing the siting agency to grant the application. WIA Comments at 16-17. However, a number of cases involving violations of the “reasonable period of time” requirement of Section 332(c)(7)(B)(ii)—decided either before or after the promulgation of the Commission’s Section 332(c)(7)(B)(ii) shot clocks—have concluded with an award of injunctive relief. See, e.g., *Upstate Cellular Network*, 257 F. Supp. 3d at 318 (concluding that the siting authority’s failure to act within the 150-day shot clock was unreasonable and awarding a permanent injunction in favor of the applicant); *Am. Towers, Inc. v. Wilson County*, No. 3:10-CV-1196, 2014 WL 28953, at \*13-14 (M.D. Tenn. Jan. 2, 2014) (finding that the county failed to act within a reasonable period of time, as required under Section 332(c)(7)(B)(ii), and granting an injunction directing the county to approve the applications and issue all necessary authorizations for the applicant to build and operate the proposed tower); *Cincinnati Bell Wireless, LLC v. Brown County*, Ohio, No. 1:04-CV-733, 2005 WL 1629824, at \*4-5 (S.D. Ohio July 6, 2005) (finding that the county failed to act within a reasonable period of time under Section 332(c)(7)(B)(ii) and awarding injunctive relief). But see *Up State Tower Co. v. Town of Kiantone*, 718 Fed. Appx. 29 (2d Cir. 2017) (declining to reverse district court’s refusal to issue injunction compelling immediate grant of application). Courts have also held “that injunctive relief best serves the TCA’s stated goal of expediting resolution of” cases brought under Section 332(c)(7)(B)(v). *Cellular Tel. Co.*, 166 F.3d at 497; *Brehmer v. Planning Bd. of Town of Wellfleet*, 238 F.3d 117, 121 (1st Cir. 2001). Under these circumstances, we do not agree with WIA that courts have failed to provide meaningful remedies to such an extent as would require the adoption of a deemed granted remedy.

<sup>374</sup> *Zoning Bd. of Adjustment of the Borough of Paramus, N.J.*, 21 F. Supp. 3d at 383, 387 (more than four-and-a-half years for Sprint to prevail in court), *aff’d*, 606 F. App’x 669 (3d Cir. 2015); *Vill. of Corrales*, 127 F. Supp. 3d 1169 (nineteen months from complaint to grant of summary judgment); *Orange County–Poughkeepsie Ltd. P’ship v. Town of E. Fishkill*, 84 F. Supp. 3d 274, 293 (S.D.N.Y.), *aff’d sub nom.*, *Orange County–County Poughkeepsie Ltd. P’ship v. Town of E. Fishkill*, 632 F. App’x 1 (2d Cir. 2015) (seventeen months from complaint to grant of summary judgment).

decision-making process.

130. We find that the more specific deployment categories and shot clocks, which presumptively represent the reasonable period within which to act, will prevent the outcome proponents of a deemed granted remedy seek to avoid: that siting agencies would be forced to reject applications because they would be unable to review the applications within the prescribed shot clock period.<sup>375</sup> Because the more specific deployment categories and shot clocks inherently account for the nature and scope of a variety of deployment applications, our new approach should ensure that siting agencies have adequate time to process and decide applications and will minimize the risk that localities will fail to act within the established shot clock periods. Further, in cases where a siting authority misses the deadline, the opportunity to demonstrate exceptional circumstances provides an effective and flexible way for siting agencies to justify their inaction if genuinely warranted. Our overall framework, therefore, should prevent situations in which a siting authority would feel compelled to summarily deny an application instead of evaluating its merits within the applicable shot clock period.<sup>376</sup> We also note that if the approach we take in this Order proves insufficient in addressing the issues it is intended to resolve, we may again consider adopting a deemed granted remedy in the future.

131. Some commenters also recommend that the Commission issue a list of “Best Practices” or “Recommended Practices.”<sup>377</sup> The joint comments filed by NATOA and other government associations suggest the “development of an informal dispute resolution process to remove parties from an adversarial relationship to a partnership process designed to bring about the best result for all involved” and the development of “a mediation program which could help facilitate negotiations for deployments for parties who seem to have reached a point of intractability.”<sup>378</sup> Although we do not at this time adopt these proposals, we note that the steps taken in this order are intended to facilitate cooperation between parties to reach mutually agreed upon solutions. For example, as explained below, mutual agreement between the parties will toll the running of the shot clock period, thereby allowing parties to resolve disagreements in a collaborative, instead of an adversarial, setting.<sup>379</sup>

### C. Clarification of Issues Related to All Section 332 Shot Clocks

#### 1. Authorizations Subject to the “Reasonable Period of Time” Provision of Section 332(c)(7)(B)(ii)

132. As indicated above, Section 332(c)(7)(B)(ii) requires state and local governments to act “within a reasonable period of time” on “any request for authorization to place, construct, or modify personal wireless service facilities.”<sup>380</sup> Neither the *2009 Declaratory Ruling* nor the *2014 Wireless Infrastructure Order* addressed the specific types of authorizations subject to this requirement. Industry commenters contend that the shot clocks should apply to all authorizations a locality may require, and to all aspects of and steps in the siting process, including license or franchise agreements to access ROW, building permits, public notices and meetings, lease negotiations, electric permits, road closure permits, aesthetic approvals, and other authorizations needed for deployment.<sup>381</sup> Local siting authorities, on the other hand, argue that a broad application of Section 332 will harm public safety and welfare by not

<sup>375</sup> Baltimore Reply at 12; Mukilteo Comments at 1; Cities of San Antonio *et al.* Reply at 10; Washington Munis Comments, Attach. 1 at 8-9; *but see* CTIA Reply at 9.

<sup>376</sup> We also note that a summary denial of a deployment application is not permitted under Section 332(c)(7)(B)(iii), which requires the siting authority to base denials on “substantial evidence contained in a written record.”

<sup>377</sup> KS Rep. Sloan Comments at 2; Nokia Comments at 10.

<sup>378</sup> NATOA *et al.* Comments at 16-17.

<sup>379</sup> *See infra* paras. 145-46.

<sup>380</sup> *See* 47 U.S.C. § 332(c)(7)(B)(ii).

<sup>381</sup> *See, e.g.*, CTIA Comments at 15; CTIA Reply at 10; Mobilitie Comments at 6-7; WIA Comments at 24; WIA Reply at 13; T-Mobile Comments at 21-22; CCA Reply at 9; Sprint June 18 *Ex Parte* at 3.



giving them enough time to evaluate whether a proposed deployment endangers the public.<sup>382</sup> They assert that building and encroachment permits should not be subsumed within the shot clocks because these permits incorporate essential health and safety reviews.<sup>383</sup> After carefully considering these arguments, we find that “any request for authorization to place, construct, or modify personal wireless service facilities” under Section 332(c)(7)(B)(ii) means all authorizations necessary for the deployment of personal wireless services infrastructure. This interpretation finds support in the record and is consistent with the courts’ interpretation of this provision and the text and purpose of the Act.

133. The starting point for statutory interpretation is the text of the statute,<sup>384</sup> and here, the statute is written broadly, applying to “any” request for authorization to place, construct, or modify personal wireless service facilities. The expansive modifier “any” typically has been interpreted to mean “one or some indiscriminately of whatever kind,” unless Congress “add[ed] any language limiting the breadth of that word.”<sup>385</sup> The title of Section 332(c)(7) (“Preservation of local zoning authority”) does not restrict the applicability of this section to zoning permits in light of the clear text of Section 332(c)(7)(B)(ii).<sup>386</sup> The text encompasses not only requests for authorization to *place* personal wireless service facilities, e.g., zoning requests, but also requests for authorization to *construct* or *modify* personal wireless service facilities. These activities typically require more than just zoning permits. For example, in many instances, localities require building permits, road closure permits, and the like to make construction or modification possible.<sup>387</sup> Accordingly, the fact that the title standing alone could be read

---

<sup>382</sup> League of Az Cities and Towns *et al.* Reply at 21-22. See also Arlington County, Sept. 18 *Ex Parte* Letter at 1-2 (asserting that it is infeasible to have the shot clock encompass all steps related the small cell siting process because there is no single application to get ROW access, public notice, lease negotiations, road closures, etc.; because these are separate processes involving different departments; and because the timeline in some instances will depend on the applicant, or the required information may interrelate in a manner that makes doing them all at once infeasible); Letter from Robert McBain, Mayor, Piedmont, CA, to Marlene H. Dortch, Secretary, FCC, WT Docket No. 17-79 *et al.*, at 3 (filed Sept. 18, 2018).

<sup>383</sup> League of Az Cities and Towns *et al.* Reply at 21-22.

<sup>384</sup> *Implementation of Section 402(b)(1)(a) of the Telecommunications Act of 1996*, Notice of Proposed Rulemaking, 11 FCC Rcd 11233 (1996); *2002 Biennial Regulatory Review*, Report, 18 FCC Rcd 4726, 4731–32 (2003); *Perrin v. United States*, 444 U.S. 37, 42 (1979) (“A fundamental canon of statutory construction is that, unless otherwise defined, words will be interpreted as taking their ordinary, contemporary, common meaning.”); *Communications Assistance for Law Enf’t Act & Broadband Access & Servs.*, First Report and Order and Further Notice of Proposed Rulemaking, 20 FCC Rcd. 14989, 14992–93, para. 9 (2005) (interpreting an ambiguous statute by considering the “structure and history of the relevant provisions, including Congress’s stated purposes” in order to “faithfully implement[] Congress’s intent”); *Cohen v. JP Morgan Chase & Co.*, 498 F.3d 111, 116 (2d Cir. 2007) (using legislative history “to identify Congress’s clear intent”); *Arnold v. United Parcel Serv., Inc.*, 136 F.3d 854, 858 (1st Cir. 1998) (same).

<sup>385</sup> *United States v. Gonzales*, 520 U.S. 1, 5 (1997) (quoting Webster’s Third New International Dictionary 97 (1976)); *HUD v. Rucker*, 535 U.S. 125, 131 (2002).

<sup>386</sup> See *Bhd. of R. R. Trainmen v. Baltimore & O. R. Co.*, 331 U.S. 519, 528–29 (1947) (“[H]eadings and titles are not meant to take the place of the detailed provisions of the text.”). Our conclusion is also consistent with our interpretation that Sections 253 and 332(c)(7) apply to fees for all applications related to a Small Wireless Facility. See *supra* para. 50.

<sup>387</sup> See, e.g., Virginia Joint Commenters Comments at 21-22 (stating that deployment of personal wireless facilities generally requires excavation and building permits); San Francisco Comments at 4-7, 12, 20-22 (describing the permitting process in San Francisco, the layers of multi-departmental review involved, and the required authorizations before certain personal wireless facilities can be constructed); Smart Cities Coal. Comments at 33-34 (describing several authorizations necessary to deploy personal wireless facilities depending on the location, e.g., public rights-of-way and other public properties, of the proposed site and the size of the proposed facility).

to limit Section 332(c)(7) to zoning decisions does not overcome the specific language of Section 332(c)(7)(B)(ii), which explicitly applies to a variety of authorizations.<sup>388</sup>

134. The purpose of the statute also supports a broad interpretation. As noted above, the Supreme Court has stated that the 1996 Act was enacted “to promote competition and higher quality in American telecommunications services and to encourage the rapid deployment of new telecommunications technologies” by, *inter alia*, reducing “the impediments imposed by local governments upon the installation of facilities for wireless communications, such as antenna towers.”<sup>389</sup> A narrow reading of the scope of Section 332 would frustrate that purpose by allowing local governments to erect impediments to the deployment of personal wireless services facilities by using or creating other forms of authorizations outside of the scope of Section 332(c)(7)(B)(ii).<sup>390</sup> This is especially true in jurisdictions requiring multi-departmental siting review or multiple authorizations.<sup>391</sup>

135. In addition, our interpretation remains faithful to the purpose of Section 332(c)(7) to balance Congress’s competing desires to preserve the traditional role of state and local governments in regulating land use and zoning, while encouraging the rapid development of new telecommunications technologies.<sup>392</sup> Under our interpretation, states and localities retain their authority over personal wireless facilities deployment. At the same time, deployment will be kept on track by ensuring that the entire approval process necessary for deployment is completed within a reasonable period of time, as defined by the shot clocks addressed in this Third Report and Order.

136. A number of courts have either explicitly or implicitly adopted the same view, that all necessary permits are subject to Section 332. For example, in *Cox Communications PCS, L.P. v. San Marcos*, the court considered an excavation permit application as falling within the parameters of Section 332.<sup>393</sup> In *USCOC of Greater Missouri, LLC v. County of Franklin*, the Eighth Circuit reasoned that “[t]he issuance of the requisite building permits” for the construction of a personal wireless services facility arises under Section 332(c)(7).<sup>394</sup> In *Ogden Fire Co. No. 1 v. Upper Chichester Township*, the Third Circuit affirmed the district court’s order compelling the township to issue a building permit for the

---

<sup>388</sup> See *Bhd. of R. R. Trainmen v. Baltimore & O. R. Co.*, 331 U.S. 519, 528-29 (1947). If the title of Section 332(c)(7) were to control the interpretation of the text, it would render superfluous the provision of Section 332(c)(7)(B)(ii) that applies to “authorization to . . . construct, or modify personal wireless service facilities” and give effect only to the provision that applies to “authorization to place . . . personal wireless service facilities.” This result would “flout[] the rule that ‘a statute should be construed so that effect is given to all its provisions, so that no part will be inoperative or superfluous.’” *Clark v. Rameker*, 134 S. Ct. 2242, 2248 (2014) (quoting *Corley v. United States*, 556 U.S. 303, 314 (2009)).

<sup>389</sup> *City of Rancho Palos Verdes v. Abrams*, 544 U.S. at 115 (internal quotation marks and citations omitted).

<sup>390</sup> For example, if we were to interpret Section 332(c)(7)(B)(ii) to cover only zoning permits, states and localities could delay their consideration of other permits (e.g., building, electrical, road closure or other permits) to thwart the proposed deployment.

<sup>391</sup> See, e.g., Virginia Joint Commenters Comments at 21-22; San Francisco Comments at 4-7, 12, 20-22; Smart Communities Comments at 33-34; CTIA Comments at 15 (stating that some jurisdictions “impose multiple, sequential stages of review”); WIA Comments at 24 (noting that “[m]any jurisdictions grant the application within the shot clock period only to stall on issuing the building permit”); Verizon Comments at 6 (stating that “[a] large Southwestern city requires applicants to obtain separate and sequential approvals from three different governmental bodies before it will consider issuing a temporary license agreement to access city rights-of-way”); Sprint June 18 *Ex Parte* at 3 (noting that “after a land-use permit or attachment permit is received, many localities still require electric permits, road closure permits, aesthetic approval, and other types of reviews that can extend the time required for final permission well beyond just the initial approval.”).

<sup>392</sup> *City of Arlington*, 668 F.3d at 234.

<sup>393</sup> *Cox Commc’ns PCS, L.P. v. San Marcos*, 204 F. Supp. 2d 1272 (S.D. Cal. 2002).

<sup>394</sup> *USCOC of Greater Mo., LLC v. County of Franklin*, 636 F.3d 927, 931-32 (8th Cir. 2011).

construction of a wireless facility after finding that the township had violated Section 332(c)(7).<sup>395</sup> In *Upstate Cellular Network v. Auburn*, the court directed the city to approve the application, including site plan approval by the planning board, granting a variance by the zoning authority, and “any other municipal approval or permission required by the City of Auburn and its boards or officers, including but not limited to, a building permit.”<sup>396</sup> And in *PI Telecom Infrastructure V, LLC v. Georgetown–Scott County Planning Commission*, the court ordered that the locality grant “any and all permits necessary for the construction of the proposed wireless facility.”<sup>397</sup> Our interpretation is also consistent with judicial precedents involving challenges under Section 332(c)(7)(B) to denials by a wide variety of governmental entities, many of which involved variances,<sup>398</sup> special use/conditional use permits,<sup>399</sup> land disturbing activity and excavation permits,<sup>400</sup> building permits,<sup>401</sup> and a state department of education permit to install an antenna at a high school.<sup>402</sup> Notably, a lot of cases have involved local agencies that are separate and distinct from the local zoning authority,<sup>403</sup> confirming that Section 332(c)(7)(B) is not limited in application to decisions of zoning authorities. Our interpretation also reflects the examples in the record where providers are required to obtain other types of authorizations besides zoning permits before they can “place, construct, or modify personal wireless service facilities.”<sup>404</sup>

137. We reject the argument that this interpretation of Section 332 will harm the public because it would “mean that building and safety officials would have potentially only a few days to

---

<sup>395</sup> *Ogden Fire Co. No. 1 v. Upper Chichester TP.*, 504 F.3d 370, 395-96 (3d Cir. 2007).

<sup>396</sup> *Upstate Cellular Network*, 257 F. Supp. 3d at 319.

<sup>397</sup> *PI Telecom Infrastructure V, LLC v. Georgetown–Scott County Planning Commission*, 234 F. Supp. 3d 856, 872 (E.D. Ky. 2017). *Accord T-Mobile Ne. LLC v. Lowell*, Civil Action No. 11–11551–NMG, 2012 WL 6681890, \*6-7, \*11 (D. Mass. Nov. 27, 2012) (directing the zoning board “to issue all permits and approvals necessary for the construction of the plaintiffs’ proposed telecommunications facility”); *New Par v. Franklin County Bd. of Zoning Appeals*, No. 2:09–cv–1048, 2010 WL 3603645, \*4 (S.D. Ohio Sept. 10, 2010) (enjoining the zoning board to “grant the application and issue all permits required for the construction of the” proposed wireless facility).

<sup>398</sup> See, e.g., *New Par v. City of Saginaw*, 161 F. Supp. 2d 759, 760 (E.D. Mich. 2001), *aff’d*, 301 F.3d 390 (6th Cir. 2002)

<sup>399</sup> See, e.g., *Virginia Metronet, Inc. v. Bd. of Sup’rs of James City County*, 984 F. Supp. 966, 968 (E.D. Va. 1998); *Cellular Tel. Co.*, 166 F.3d at 491; *T-Mobile Cent., LLC v. Unified Gov’t of Wyandotte County*, 546 F.3d 1299, 1303 (10th Cir. 2008); *City of Anacortes*, 572 F.3d at 989; *Helcher*, 595 F.3d at 713-14; *AT&T Wireless Servs. of California LLC v. City of Carlsbad*, 308 F. Supp. 2d 1148, 1152 (S.D. Cal. 2003); *PrimeCo Pers. Commc’ns L.P. v. City of Mequon*, 242 F. Supp. 2d 567, 570 (E.D. Wis.), *aff’d*, 352 F.3d 1147 (7th Cir. 2003); *Preferred Sites, LLC v. Troup County*, 296 F.3d 1210, 1212 (11th Cir. 2002).

<sup>400</sup> See, e.g., *Tennessee ex rel. Wireless Income Properties, LLC v. City of Chattanooga*, 403 F.3d 392, 394 (6th Cir. 2005); *Cox Commc’ns PCS, L.P. v. San Marcos*, 204 F. Supp. 2d 1272 (S.D. Cal. 2002).

<sup>401</sup> See, e.g., *Upstate Cellular Network*, 257 F. Supp. 3d at 319; *Ogden Fire Co. No. 1 v. Upper Chichester Twp.*, 504 F.3d 370, 395-96 (3rd Cir. 2007).

<sup>402</sup> *Sprint Spectrum, L.P. v. Mills*, 65 F. Supp. 2d 148, 150 (S.D.N.Y. 1999), *aff’d*, 283 F.3d 404 (2d Cir. 2002).

<sup>403</sup> See, e.g., *Tennessee ex rel. Wireless Income Props., LLC v. City of Chattanooga*, 403 F.3d 392, 394 (6th Cir. 2005) (city public works department); *Sprint PCS Assets, L.L.C. v. City of Palos Verdes Estates*, 583 F.3d 716, 720 (9th Cir. 2009) (city public works director, city planning commission, and city council); *Sprint Spectrum, L.P. v. Mills*, 65 F. Supp. 2d at 150 (New York State Department of Education).

<sup>404</sup> See, e.g., Virginia Joint Commenters Comments at 21-22 (stating that deployment of personal wireless facilities generally requires excavation and building permits); San Francisco Comments at 4-7, 12, 20-22 (describing the permitting process in San Francisco, the layers of multi-departmental review involved, and the required authorizations before certain personal wireless facilities can be constructed); Smart Communities Comments at 33-34 (describing several authorizations necessary to deploy personal wireless facilities depending on the location, e.g., public rights-of-way and other public properties, of the proposed site and the size of the proposed facility).

evaluate whether a proposed deployment endangers the public.”<sup>405</sup> Building and safety officials will be subject to the same applicable shot clock as all other siting authorities involved in processing the siting application, with the amount of time allowed varying in the rare case where officials are unable to meet the shot clock because of exceptional circumstances.

## 2. Codification of Section 332 Shot Clocks

138. In addition to establishing two new Section 332 shot clocks for Small Wireless Facilities, we take this opportunity to codify our two existing Section 332 shot clocks for siting applications that do not involve Small Wireless Facilities. In the *2009 Declaratory Ruling*, the Commission found that 90 days is a reasonable time frame for processing collocation applications and 150 days is a reasonable time frame to process applications other than collocations.<sup>406</sup> Since these Section 332 shot clocks were adopted as part of a declaratory ruling, they were not codified in our rules. In the *Wireless Infrastructure NPRM/NOI*, the Commission sought comment on whether to modify these shot clocks.<sup>407</sup> We find no need to modify them here and will continue to use these shot clocks for processing Section 332 siting applications that do not involve Small Wireless Facilities.<sup>408</sup> We do, though, codify these two existing shot clocks in our rules alongside the two newly-adopted shot clocks so that all interested parties can readily find the shot clock requirements in one place.<sup>409</sup>

139. While some commenters argue for a 60-day shot clock for all collocation categories,<sup>410</sup> we conclude that we should retain the existing 90-day shot clock for collocations not involving Small Wireless Facilities. Collocations that do not involve Small Wireless Facilities include deployments of

---

<sup>405</sup> League of Az Cities and Towns *et al.* Reply at 21-22.

<sup>406</sup> *2009 Declaratory Ruling*, 24 FCC Rcd at 14012-013, paras. 45, 48.

<sup>407</sup> *Wireless Infrastructure NPRM/NOI*, 32 FCC Rcd at 3332-33, 3334, 3337-38, paras. 6, 9, 17-19.

<sup>408</sup> Chicago Comments at 2 (supporting maintaining existing shot clocks); Bellevue *et al.* Comments at 13-14 (supporting maintaining existing shot clocks).

<sup>409</sup> We also adopt a non-substantive modification to our existing rules. We redesignate the rule adopted in 2014 to codify the Commission’s implementation of the 2012 Spectrum Act, formerly designated as section 1.40001, as section 1.6100, and we move the text of that rule from Part 1, Subpart CC, to the same Subpart as the new rules promulgated in this Third Report and Order (Part 1, Subpart U). This recognizes that both sets of requirements pertain to “State and local government regulation of the placement, construction, and modification of personal wireless service facilities” (the caption of new Subpart U). The reference in paragraph (a) of that preexisting rule to 47 U.S.C. § 1455 has been consolidated with new rule section 1.6001 to reflect that all rules in Subpart U, collectively, implement both § 332(c)(7) and § 1455. With those non-substantive exceptions, the text of the 2014 rule has not been changed in any way. Contrary to the suggestion submitted by the Washington Joint Counties, *see* Letter from W. Scott Snyder *et al.*, Counsel for the Washington Cities of Bremerton, Mountlake Terrace, Kirkland, Redmond, Issaquah, Lake Stevens, Richland, and Mukilteo, to Marlene H. Dortch, Secretary, FCC, WT Docket No. 17-79 *et al.*, at 6-7 (filed June 19, 2018), this change is not substantive and does not require advance notice. We find that “we have good cause to reorganize and renumber our rules in this fashion without expressly seeking comment on this change, and we conclude that public comment is unnecessary because no substantive changes are being made. Moreover, the delay engendered by a round of comment would be contrary to the public interest.” *See 2017 Pole Replacement Order*, 32 FCC Rcd at 9770, para. 26; *see also* 5 U.S.C. §553(b)(B) (notice not required “when the agency for good cause finds (and incorporates the finding and a brief statement of reasons therefor in the rules issued) that notice and public procedure thereon are impracticable, unnecessary, or contrary to the public interest”).

<sup>410</sup> CCIA Comments at 10; CCA Comments at 13-14; CCA Reply at 6 (arguing for 30-day shot clock for collocations and a 60-to-75-day shot clock for all other siting applications); WIA Reply at 21. *See also* Letter from Jill Canfield, NTCA Vice President Legal & Industry and Assistant General Counsel, to Marlene H. Dortch, Secretary, FCC, WT Docket No. 17-79, at 2 (filed June 19, 2018) (stating that NTCA supports a revised interpretation of the phrase “reasonable period of time” as found in Section 332(c) (7)(B)(ii) of the Communications Act as applicable to small cell facilities and that sixty days for collocations and 90 days for all other small cell siting applications should provide local officials sufficient time for review of requests to install small cell facilities in public rights-of-way).

larger antennas and other equipment that may require additional time for localities to review and process.<sup>411</sup> For similar reasons, we maintain the existing 150-day shot clock for new construction applications that are not for Small Wireless Facilities. While some industry commenters such as WIA, Samsung, and Crown Castle argue for a 90-day shot clock for macro cells and small cells alike, we agree with commenters such as the City of New Orleans that there is a significant difference between the review of applications for a single 175-foot tower versus the review of a Small Wireless Facility with much smaller dimensions.<sup>412</sup>

### 3. Collocations on Structures Not Previously Zoned for Wireless Use

140. Wireless industry commenters assert that they should be able to take advantage of the Section 332 collocation shot clock even when collocating on structures that have not previously been approved for wireless use.<sup>413</sup> Siting agencies respond that the wireless industry is effectively seeking to have both the collocation definition and a reduced shot clock apply to sites that have never been approved by the local government as suitable for wireless facility deployment.<sup>414</sup> We take this opportunity to clarify that for purposes of the Section 332 shot clocks, attachment of facilities to existing structures constitutes collocation, regardless whether the structure or the location has previously been zoned for wireless facilities. As the Commission stated in the *2009 Declaratory Ruling*, “an application is a request for collocation if it does not involve a ‘substantial increase in the size of a tower’ as defined in the Nationwide Programmatic Agreement (NPA) for the Collocation of Wireless Antennas.”<sup>415</sup> The definition of “[c]ollocation” in the NPA provides for the “mounting or installation of an antenna on an existing tower, *building or structure* for the purpose of transmitting and/or receiving radio frequency signals for communications purposes, *whether or not there is an existing antenna on the structure.*”<sup>416</sup> The NPA’s definition of collocation explicitly encompasses collocations on structures and buildings that have not yet been zoned for wireless use. To interpret the NPA any other way would be unduly narrow and there is no persuasive reason to accept a narrower interpretation. This is particularly true given that the NPA definition of collocation stands in direct contrast with the definition of collocation in the

---

<sup>411</sup> *Wireless Infrastructure Second R&O*, FCC 18-30 at paras. 74-76.

<sup>412</sup> New Orleans Comments at 2-3; Samsung Comments at 4-5 (arguing that the Commission should reduce the shot clock applicable to new construction from 150 days to 90 days); Crown Castle Comments at 29 (stating that a 90-day shot clock for new facilities is appropriate for macro cells and small cells alike, to the extent such applications require review under Section 332 at all); TX Hist. Comm. Comments at 2 (arguing that the reasonable periods of time that the FCC proposed in 2009, 90 days for collocation applications and 150 days for other applications appear to be appropriate); WIA Comments at 20-23; WIA Reply at 11 (arguing for a 90-day shot clock for applications involving substantial modifications, including tower extensions; and a 120-day shot clock for applications for all other facilities, including new macro sites); CTIA Reply at 3 (stating that the Commission should shorten the shot clocks to 90 days for new facilities).

<sup>413</sup> AT&T Comments at 10; AT&T Reply at 9; Verizon Reply at 32; WIA Comments at 22; ExteNet Comments at 9.

<sup>414</sup> Bellevue *et al.* Reply at 6-7 (arguing that the Commission has rejected this argument twice and instead determined that a collocation occurs when a wireless facility is attached to an existing infrastructure that houses wireless communications facilities; San Francisco Reply at 7-8 (arguing that under Commission definitions, a utility pole is neither an existing base station nor a tower; thus, the Commission simply cannot find that adding wireless facilities to utility pole that has not previously been used for wireless facilities is an eligible facilities request). *See, e.g.*, Letter from Bonnie Michael, City Council President, Worthington, OH, to Marlene H. Dortch, Secretary, FCC, WT Docket No. 17-79 et al., at 2 (filed Sept. 18, 2018); Letter from Jill Boudreau, Mayor, Mount Vernon, WA, to Marlene H. Dortch, Secretary, FCC, WT Docket No. 17-79 et al., at 2 (filed Sept. 18, 2018).

<sup>415</sup> *2009 Declaratory Ruling*, 24 FCC Rcd at 14012, para 46.

<sup>416</sup> 47 CFR Part 1, App. B, NPA, Subsection C, Definitions.

Spectrum Act, pursuant to which facilities only fall within the scope of an “eligible facilities request” if they are attached to towers or base stations that have already been zoned for wireless use.<sup>417</sup>

#### 4. When Shot Clocks Start and Incomplete Applications

141. In the *2014 Wireless Infrastructure Order*, the Commission clarified, among other things, that a shot clock begins to run when an application is first submitted, not when the application is deemed complete.<sup>418</sup> The clock can be paused, however, if the locality notifies the applicant within 30 days that the application is incomplete.<sup>419</sup> The locality may pause the clock again if it provides written notice within 10 days that the supplemental submission did not provide the information identified in the original notice delineating missing information.<sup>420</sup> In the *Wireless Infrastructure NPRM/NOI*, the Commission sought comment on these determinations.<sup>421</sup> Localities contend that the shot clock period should not begin until the application is deemed complete.<sup>422</sup> Industry commenters argue that the review period for incompleteness should be decreased from 30 days to 15 days.<sup>423</sup>

142. With the limited exception described in the next paragraph, we find no cause or basis in the record to alter the Commission’s prior determinations, and we now codify them in our rules. Codified rules, easily accessible to applicants and localities alike, should provide helpful clarity. The complaints by states and localities about the sufficiency of some of the applications they receive are adequately addressed by our current policy, particularly as amended below, which preserves the states’ and localities’ ability to pause review when they find an application to be incomplete.<sup>424</sup> We do not find it necessary at this point to shorten our 30-day initial review period for completeness because, as was the case when this review period was adopted in the *2009 Declaratory Ruling*, it remains consistent with review periods for completeness under existing state wireless infrastructure deployment statutes<sup>425</sup> and still “gives State and local governments sufficient time for reviewing applications for completeness, while protecting applicants

---

<sup>417</sup> See 47 CFR § 1.40001(b)(3), (4), (5) (definitions of eligible facilities request, eligible support structure, and existing). Each of these definitions refers to facilities that have already been approved under local zoning or siting processes.

<sup>418</sup> *2014 Wireless Infrastructure Order*, 29 FCC Rcd at 12970, at para. 258.

<sup>419</sup> *2009 Declaratory Ruling*, 24 FCC Rcd at 14014, paras. 52-53 (providing that the “timeframes do not include the time that applicants take to respond to State and local governments’ requests for additional information”).

<sup>420</sup> *2014 Wireless Infrastructure Order*, 29 FCC Rcd at 12970, para. 259.

<sup>421</sup> *Wireless Infrastructure NPRM/NOI*, 32 FCC Rcd at 3338, para. 20.

<sup>422</sup> See, e.g., Maine DOT Comments at 2-3; Philadelphia Comments at 6; League of Az Cities and Towns *et al.* at 4, 8-9; Letter from Barbara Coler, Chair, Marin Telecommunications Agency, to Marlene H. Dortch, Secretary, FCC, WT Docket No. 17-79 *et al.*, at 2 (filed Sept. 4, 2018) (Barbara Coler Sept. 4, 2018 *Ex Parte* Letter); Letter from Sam Liccardo, Mayor, San Jose, CA, to Marlene H. Dortch, Secretary, FCC, WT Docket No. 17-79 *et al.*, at 5 (filed Sept. 18, 2018).

<sup>423</sup> Verizon Comments at 43. See Sprint June 18 *Ex Parte* at 2 (asserting that the shot clocks should begin to run when the application is complete and that a siting authority should review the application for completeness within the first 15 days of receipt or it would waive the right to object on that basis).

<sup>424</sup> See, e.g., Barbara Coler Sept. 4, 2018 *Ex Parte* Letter at 2 (the pace of installation may be affected by incomplete applications); Kenneth S. Fellman Sept. 18, 2018 *Ex Parte* Letter at 3 (not uncommon to find documents not properly prepared and not in compliance with relevant regulations).

<sup>425</sup> Most states have a 30-day review period for incompleteness. See, e.g., Colo. Rev. Stat. Ann. § 29-27-403; Ga. Code Ann. § 36-66B-5; Iowa Code Ann. § 8C.4; Kan. Stat. Ann. § 66-2019; Minn. Stat. Ann. § 237.163(3c)(b); 53 Pa. Stat. Ann. § 11702.4(b)(1); Cal. Gov’t Code § 65943. A minority of states have adopted either a longer or shorter review period for incompleteness, ranging from 5 days to 45 days. See N.C. Gen. Stat. Ann. § 153A-349.53 (45 days); Wash. Rev. Code Ann. § 36.70B.070 (28 days); N.H. Rev. Stat. Ann. § 12-K:10 (15 days); Del. Code Ann. tit. 17, § 1609 (14 days); Va. Code Ann. §§ 15.2-2316.4; 56-484.28; 56-484.29 (10 days); Wis. Stat. Ann. § 66.0404(3) (5 days).

from a last minute decision that an application should be denied as incomplete.”<sup>426</sup>

143. However, for applications to deploy Small Wireless Facilities, we implement a modified tolling system designed to help ensure that providers are submitting complete applications on day one. This step accounts for the fact that the shot clocks applicable to such applications are shorter than those established in the *2009 Declaratory Ruling* and, because of which, there may instances where the prevailing tolling rules would further shorten the shot clocks to such an extent that it might be impossible for siting authorities to act on the application.<sup>427</sup> For Small Wireless Facilities applications, the siting authority has 10 days from the submission of the application to determine whether the application is incomplete. The shot clock then resets once the applicant submits the supplemental information requested by the siting authority. Thus, for example, for an application to collocate Small Wireless Facilities, once the applicant submits the supplemental information in response to a siting authority’s timely request, the shot clock resets, effectively giving the siting authority an additional 60 days to act on the Small Wireless Facilities collocation application. For subsequent determinations of incompleteness, the tolling rules that apply to non-Small Wireless Facilities would apply—that is, the shot clock would toll if the siting authority provides written notice within 10 days that the supplemental submission did not provide the information identified in the original notice delineating missing information.

144. As noted above, multiple authorizations may be required before a deployment is allowed to move forward. For instance, a locality may require a zoning permit, a building permit, an electrical permit, a road closure permit, and an architectural or engineering permit for an applicant to place, construct, or modify its proposed personal wireless service facilities.<sup>428</sup> All of these permits are subject to Section 332’s requirement to act within a reasonable period of time, and thus all are subject to the shot clocks we adopt or codify here.

145. We also find that mandatory pre-application procedures and requirements do not toll the shot clocks.<sup>429</sup> Industry commenters claim that some localities impose burdensome pre-application requirements before they will start the shot clock.<sup>430</sup> Localities counter that in many instances, applicants submit applications that are incomplete in material respects, that pre-application interactions smooth the application process, and that many of their pre-application requirements go to important health and safety matters.<sup>431</sup> We conclude that the ability to toll a shot clock when an application is found incomplete or by

---

<sup>426</sup> *2009 Declaratory Ruling*, 24 FCC Rcd at 14014-15, para. 53.

<sup>427</sup> See, e.g., Geoffrey C. Beckwith Sept. 11, 2018 *Ex Parte* Letter at 1; Letter from Brad Cole, Executive Director, Illinois Municipal League, to Marlene H. Dortch, Secretary, FCC, WT Docket No. 17-79 et al. at 1 (filed Sept. 14, 2018); Ronny Berdugo Sept. 18, 2018 *Ex Parte* Letter at 2.

<sup>428</sup> See Sprint June 18 *Ex Parte* at 3; cf. Virginia Joint Commenters Comments at 21-22; San Francisco Comments at 4-7, 12, 20-22; CTIA Comments at 15 (“The Commission should declare that the shot clocks apply to the entire local review process.”).

<sup>429</sup> *Wireless Infrastructure NPRM/NOI*, 32 FCC Rcd at 3338, para. 20.

<sup>430</sup> See, e.g., CCA Reply at 7 (noting also that some localities unreasonably request additional information after submission that is either already provided or of unreasonable scope); GCI Comments at 8-9; WIA Comments at 24; Crown Castle Comments at 21-22; CTIA Reply at 21; CIC Comments at 18; WIA Reply at 14; Conterra Comments at 2-3; Crown Castle Comments at 30-31; CTIA Comments at 15; ExteNet Comments at 4, 15-16; Mobilite Comments at 6; T-Mobile Comments at 21-22; Verizon Comment at 42-43; AT&T Comments at 26.

<sup>431</sup> See, e.g., Philadelphia Reply at 9 (arguing that shot clocks should not run until a complete application with a full set of engineering drawings showing the placement, size and weight of the equipment, and a fully detailed structural analysis is submitted, to assess the safety of proposed installations); Philadelphia Comments at 6; League of Az Cities and Towns *et al.* Comments at 4 (arguing that the shot clock should not begin until after an application has been “duly filed,” because “some applicants believe the shot clock commences to run no matter how they submit their request, or how inadequate their submittal may be”); Colorado Comm. and Utility All. *et al.* Comments at 14 (explaining that the pre-application meetings are intended “to give prospective applicants an opportunity to discuss code and regulatory provisions with local government staff, and gain a better understanding of the process that will be followed, in order to increase the probability that once an application is filed, it can proceed smoothly to final decision”); Smart

mutual agreement by the applicant and the siting authority should be adequate to address these concerns. Much like a requirement to file applications one after another, requiring pre-application review would allow for a complete circumvention of the shot clocks by significantly delaying their start date. An application is not ruled on within “a reasonable period of time after the request is duly filed” if the state or locality takes the full ordinary review period after having delayed the filing in the first instance due to required pre-application review. Indeed, requiring a pre-application review before an application may be filed is similar to imposing a moratorium, which the Commission has made clear does not stop the shot clocks from running.<sup>432</sup> Therefore, we conclude that if an applicant proffers an application, but a state or locality refuses to accept it until a pre-application review has been completed,<sup>433</sup> the shot clock begins to run when the application is proffered. In other words, the request is “duly filed” at that time,<sup>434</sup> notwithstanding the locality’s refusal to accept it.

146. That said, we encourage *voluntary* pre-application discussions, which may well be useful to both parties. The record indicates that such meetings can clarify key aspects of the application review process, especially with respect to large submissions or applicants new to a particular locality’s processes, and may speed the pace of review.<sup>435</sup> To the extent that an applicant voluntarily engages in a pre-application review to smooth the way for its filing, the shot clock will begin when an application is filed, presumably after the pre-application review has concluded.

147. We also reiterate, consistent with the *2009 Declaratory Ruling*, that the remedies granted under Section 332(c)(7)(B)(v) are independent of, and in addition to, any remedies that may be available under state or local law.<sup>436</sup> Thus, where a state or locality has established its own shot clocks, an applicant may pursue any remedies granted under state or local law in cases where the siting authority fails to act within those shot clocks.<sup>437</sup> However, the applicant must wait until the Commission shot clock period has expired to bring suit for a “failure to act” under Section 332(c)(7)(B)(v).<sup>438</sup>

## V. PROCEDURAL MATTERS

148. *Final Regulatory Flexibility Analysis.* With respect to this Third Report and Order, a Final Regulatory Flexibility Analysis (FRFA) is contained in Appendix C. As required by Section 603 of

(Continued from previous page)

Communities Comments at 15, 35 (pre-application procedures “may translate into faster consideration of individual applications over the longer term, as providers and communities alike, gain a better understanding of what is required of them, and providers submit applications that are tailored to community requirements”); UT Dept. of Trans. Comments at 5 (“The purpose of the pre-application access meeting is to help the entity or person with the application and provide information concerning the requirements contained in the rule.”); CCUA *et al.* Reply at 6 (“[Pre-application meetings] provide an opportunity for informal discussion between prospective applicants and the local jurisdiction. Pre-application meetings serve to educate, answer questions, clarify process issues, and ultimately result in a more efficient process from application filing to final action.”); AASHTO Comments, Attach. at 3 (GA Dept. of Trans. contending that pre-application procedures “should be encouraged and separated from an ‘official’ ‘application submittal’”); League of Az Cities and Towns *et al.* Comments at 5-7 (providing examples of incomplete applications).

<sup>432</sup> *2014 Wireless Infrastructure Order*, 29 FCC Rcd at 12971, at para. 265.

<sup>433</sup> See, e.g., CCA Reply at 7; GCI Comments at 8-9; WIA Comments at 24; Crown Castle Comments at 21-22; CTIA Reply at 21; CIC Comments at 18; WIA Reply at 14; Conterra Comments at 2-3; Crown Castle Comments at 30-31; CTIA Comments at 15; ExteNet Comments at 4, 15-16; Mobilitie Comments at 6; T-Mobile Comments at 21-22; Verizon Comment at 42-43; AT&T Comments at 26.

<sup>434</sup> 47 U.S.C. § 332(c)(7)(B)(ii).

<sup>435</sup> See CCUA *et al.* Comments at 14; Smart Communities Comments at 15, 35; UT Dept. of Trans. Comments at 5; CCUA *et al.* Reply at 6; Mukilteo Reply, Docket No. WC 17-84, at 1 (filed July 10, 2017).

<sup>436</sup> *2009 Declaratory Ruling*, 24 FCC Rcd at 14013-14, para. 50.

<sup>437</sup> *2009 Declaratory Ruling*, 24 FCC Rcd at 14013-14, para. 50.

<sup>438</sup> 47 U.S.C. § 332(c)(7)(B)(v).



the Regulatory Flexibility Act, the Commission has prepared a FRFA of the expected impact on small entities of the requirements adopted in this Third Report and Order. The Commission will send a copy of the Third Report and Order, including the FRFA, to the Chief Counsel for Advocacy of the Small Business Administration.

149. *Paperwork Reduction Act.* This Third Report and Order does not contain new or revised information collection requirements subject to the Paperwork Reduction Act of 1995 (PRA), Public Law 104-13.

150. *Congressional Review Act.* The Commission will send a copy of this Declaratory Ruling and Third Report and Order in a report to be sent to Congress and the Government Accountability Office pursuant to the Congressional Review Act (CRA), *see* 5 U.S.C. § 801(a)(1)(A).

## VI. ORDERING CLAUSES

151. Accordingly, IT IS ORDERED, pursuant to Sections 1, 4(i)-(j), 7, 201, 253, 301, 303, 309, 319, and 332 of the Communications Act of 1934, as amended, 47 U.S.C. §§ 151, 154(i)-(j), 157, 201, 253, 301, 303, 309, 319, 332, that this Declaratory Ruling and Third Report and Order in WT Docket No. 17-79 IS hereby ADOPTED.

152. IT IS FURTHER ORDERED that Part 1 of the Commission's Rules is AMENDED as set forth in Appendix A, and that these changes SHALL BE EFFECTIVE 90 days after publication in the Federal Register.

153. IT IS FURTHER ORDERED that this Third Report and Order SHALL BE effective 90 days after its publication in the Federal Register. The Declaratory Ruling and the obligations set forth therein ARE EFFECTIVE on the same day that this Third Report and Order becomes effective. It is our intention in adopting the foregoing Declaratory Ruling and these rule changes that, if any provision of the Declaratory Ruling or the rules, or the application thereof to any person or circumstance, is held to be unlawful, the remaining portions of such Declaratory Ruling and the rules not deemed unlawful, and the application of such Declaratory Ruling and the rules to other person or circumstances, shall remain in effect to the fullest extent permitted by law.

154. IT IS FURTHER ORDERED that, pursuant to 47 CFR § 1.4(b)(1), the period for filing petitions for reconsideration or petitions for judicial review of this Declaratory Ruling and Third Report and Order will commence on the date that a summary of this Declaratory Ruling and Third Report and Order is published in the Federal Register.

155. IT IS FURTHER ORDERED that the Commission's Consumer & Governmental Affairs Bureau, Reference Information Center, SHALL SEND a copy of this Declaratory Ruling and Third Report and Order, including the Final Regulatory Flexibility Analysis, to the Chief Counsel for Advocacy of the Small Business Administration.

156. IT IS FURTHER ORDERED that this Declaratory Ruling and Third Report and Order SHALL BE sent to Congress and the Government Accountability Office pursuant to the Congressional Review Act, *see* 5 U.S.C. 801(a)(1)(A).

FEDERAL COMMUNICATIONS COMMISSION

Marlene H. Dortch  
Secretary

## APPENDIX A

## Final Rules

**Streamlining State and Local Review of Wireless Facility Siting Applications**

## Part 1—Practice and Procedure

1. Add subpart U to Part 1 of Title 47 to read as follows:

**Subpart U—State and Local Government Regulation of the Placement, Construction, and Modification of Personal Wireless Service Facilities****§ 1.6001 Purpose.**

This subpart implements 47 U.S.C. 332(c)(7) and 1455.

**§ 1.6002 Definitions.**

Terms used in this subpart have the following meanings:

(a) *Action* or *to act* on a siting application means a siting authority's grant of a siting application or issuance of a written decision denying a siting application.

(b) *Antenna*, consistent with section 1.1320(d), means an apparatus designed for the purpose of emitting radiofrequency (RF) radiation, to be operated or operating from a fixed location pursuant to Commission authorization, for the provision of personal wireless service and any commingled information services. For purposes of this definition, the term antenna does not include an unintentional radiator, mobile station, or device authorized under part 15 of this title.

(c) *Antenna equipment*, consistent with section 1.1320(d), means equipment, switches, wiring, cabling, power sources, shelters or cabinets associated with an antenna, located at the same fixed location as the antenna, and, when collocated on a structure, is mounted or installed at the same time as such antenna.

(d) *Antenna facility* means an antenna and associated antenna equipment.

(e) *Applicant* means a person or entity that submits a siting application and the agents, employees, and contractors of such person or entity.

(f) *Authorization* means any approval that a siting authority must issue under applicable law prior to the deployment of personal wireless service facilities, including, but not limited to, zoning approval and building permit.

(g) *Collocation*, consistent with section 1.1320(d) and the Nationwide Programmatic Agreement (NPA) for the Collocation of Wireless Antennas, Appendix B of this part, section I.B, 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.
- (3) The definition of “collocation” in paragraph (b)(2) of section 1.6100 applies to the term as used in that section.

- (h) *Deployment* means placement, construction, or modification of a personal wireless service facility.
- (i) *Facility* or *personal wireless service facility* means an antenna facility or a structure that is used for the provision of personal wireless service, whether such service is provided on a stand-alone basis or commingled with other wireless communications services.
- (j) *Siting application* or *application* means a written submission to a siting authority requesting authorization for the deployment of a personal wireless service facility at a specified location.
- (k) *Siting authority* means a State government, local government, or instrumentality of a State government or local government, including any official or organizational unit thereof, whose authorization is necessary prior to the deployment of personal wireless service facilities.
- (l) *Small wireless facilities*, consistent with section 1.1312(e)(2), are facilities that meet each of the following conditions:
- (1) The facilities—
    - (i) are mounted on structures 50 feet or less in height including their antennas as defined in section 1.1320(d), or
    - (ii) are mounted on structures no more than 10 percent taller than other adjacent structures, or
    - (iii) 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;
  - (2) Each antenna associated with the deployment, excluding associated antenna equipment (as defined in the definition of antenna in section 1.1320(d)), is no more than three cubic feet in volume;
  - (3) All other wireless equipment associated with the structure, including the wireless equipment associated with the antenna and any pre-existing associated equipment on the structure, is no more than 28 cubic feet in volume;
  - (4) The facilities do not require antenna structure registration under part 17 of this chapter;
  - (5) The facilities are not located on Tribal lands, as defined under 36 CFR 800.16(x); and
  - (6) The facilities do not result in human exposure to radiofrequency radiation in excess of the applicable safety standards specified in section 1.1307(b).
- (m) *Structure* means a pole, tower, base station, or other building, whether or not it has an existing antenna facility, that is used or to be used for the provision of personal wireless service (whether on its own or comingled with other types of services).

Terms not specifically defined in this section or elsewhere in this subpart have the meanings defined in Part 1 of Title 47 and the Communications Act of 1934, 47 U.S.C. 151 *et seq.*

**§ 1.6003 Reasonable periods of time to act on siting applications**

(a) *Timely action required.* A siting authority that fails to act on a siting application on or before the shot clock date for the application, as defined in paragraph (e) of this section, is presumed not to have acted within a reasonable period of time.

(b) *Shot clock period.* The shot clock period for a siting application is the sum of—

(1) the number of days of the presumptively reasonable period of time for the pertinent type of application, pursuant to paragraph (c) of this section, plus

(2) the number of days of the tolling period, if any, pursuant to paragraph (d) of this section.

(c) *Presumptively reasonable periods of time.*

(1) The following are the presumptively reasonable periods of time for action on applications seeking authorization for deployments in the categories set forth below:

(i) Review of an application to collocate a Small Wireless Facility using an existing structure: 60 days.

(ii) Review of an application to collocate a facility other than a Small Wireless Facility using an existing structure: 90 days.

(iii) Review of an application to deploy a Small Wireless Facility using a new structure: 90 days.

(iv) Review of an application to deploy a facility other than a Small Wireless Facility using a new structure: 150 days.

(2) *Batching.*

(i) If a single application seeks authorization for multiple deployments, all of which fall within a category set forth in either paragraph (c)(1)(i) or paragraph (c)(1)(iii) of this section, then the presumptively reasonable period of time for the application as a whole is equal to that for a single deployment within that category.

(ii) If a single application seeks authorization for multiple deployments, the components of which are a mix of deployments that fall within paragraph (c)(1)(i) and deployments that fall within paragraph (c)(1)(iii) of this section, then the presumptively reasonable period of time for the application as a whole is 90 days.

(iii) Siting authorities may not refuse to accept applications under paragraphs (c)(2)(i) and (c)(2)(ii).

(d) *Tolling period.* Unless a written agreement between the applicant and the siting authority provides otherwise, the tolling period for an application (if any) is as set forth below.

(1) *For an initial application to deploy Small Wireless Facilities, if the siting authority notifies the applicant on or before the 10th day after submission that the application is materially incomplete, and clearly and specifically identifies the missing documents or information and the specific rule or regulation creating the obligation to submit such documents or information, the shot clock date calculation shall restart at zero on the date on which the applicant submits all the documents and information identified by the siting authority to render the application complete.*

(2) *For all other initial applications*, the tolling period shall be the number of days from –

(i) The day after the date when the siting authority notifies the applicant in writing that the application is materially incomplete and clearly and specifically identifies the missing documents or information that the applicant must submit to render the application complete and the specific rule or regulation creating this obligation, until

(ii) The date when the applicant submits all the documents and information identified by the siting authority to render the application complete,

(iii) But only if the notice pursuant to paragraph (d)(2)(i) is effectuated on or before the 30th day after the date when the application was submitted; or

(3) *For resubmitted applications following a notice of deficiency*, the tolling period shall be the number of days from—

(i) The day after the date when the siting authority notifies the applicant in writing that the applicant's supplemental submission was not sufficient to render the application complete and clearly and specifically identifies the missing documents or information that need to be submitted based on the siting authority's original request under paragraph (d)(1) or paragraph (d)(2) of this section, until

(ii) The date when the applicant submits all the documents and information identified by the siting authority to render the application complete,

(iii) But only if the notice pursuant to paragraph (d)(3)(i) is effectuated on or before the 10th day after the date when the applicant makes a supplemental submission in response to the siting authority's request under paragraph (d)(1) or paragraph (d)(2) of this section.

(e) *Shot clock date*. The shot clock date for a siting application is determined by counting forward, beginning on the day after the date when the application was submitted, by the number of calendar days of the shot clock period identified pursuant to paragraph (b) of this section and including any pre-application period asserted by the siting authority; *provided*, that if the date calculated in this manner is a "holiday" as defined in section 1.4(e)(1) or a legal holiday within the relevant State or local jurisdiction, the shot clock date is the next business day after such date. The term "business day" means any day as defined in section 1.4(e)(2) and any day that is not a legal holiday as defined by the State or local jurisdiction.

3. Redesignate § 1.40001 as § 1.6100, remove and reserve paragraph (a) of newly redesignated § 1.6100, and revise paragraph (b)(7)(vi) of newly redesignated § 1.6100 by changing "1.40001(b)(7)(i)(iv)" to "1.6100(b)(7)(i)-(iv)."

4. Remove subpart CC.

## APPENDIX B

## Comments and Reply Comments

Comments

5G Americas  
Aaron Rosenzweig  
ACT | The App Association  
Advisory Council on Historic Preservation  
Advisors to the International EMF Scientist Appeal  
African American Mayors Association  
Agua Caliente Band of Cahuilla Indians Tribal Historic Preservation Office  
Alaska Department of Transportation & Public Facilities  
Alaska Native Health Board  
Alaska Office of History and Archaeology  
Alexandra Ansell  
American Association of State Highway and Transportation Officials  
American Bird Conservancy  
American Cable Association  
American Petroleum Institute  
American Public Power Association  
Angela Fox  
Arctic Slope Regional Corporation  
Arizona State Parks & Trails, State Historic Preservation Office  
Arkansas SHPO  
Arnold A. McMahon  
Association of American Railroads  
AT&T  
B. Golomb  
Bad River Band of Lake Superior Tribe of Chippewa Indians  
Benjamin L. Yousef  
BioInitiative Working Group  
Blue Lake Rancheria  
Board of County Road Commissioners of the County of Oakland  
Bristol Bay Area Health Corporation  
Cahuilla Band of Indians  
California Office of Historic Preservation, Department of Parks and Recreation  
California Public Utilities Commission  
Cape Cod Bird Club, Inc.  
Catawba Indian Nation Tribal Historic Preservation Office  
Charter Communications, Inc.  
Cheyenne River Sioux Tribe Cultural Preservation Office  
Chickasaw Nation  
Chippewa Cree Tribe  
Choctaw Nation of Oklahoma  
Chuck Matzker  
Cindy Li  
Cindy Russell  
Cities of San Antonio, Texas; Eugene, Oregon; Bowie, Maryland; Huntsville, Alabama; and Knoxville, Tennessee  
Citizen Potawatomi Nation  
Citizens Against Government Waste

City and County of San Francisco  
City of Alexandria, Virginia; Arlington County, Virginia; and Henrico County, Virginia  
City of Arlington, Texas  
City of Austin, Texas  
City of Bellevue, City of Bothell, City of Burien, City of Ellensburg, City of Gig Harbor, City of Kirkland, City of Mountlake Terrace, City of Mukilteo, City of Normandy Park, City of Puyallup, City of Redmond, and City of Walla Walla  
City of Chicago  
City of Claremont (Tony Ramos, City Manager)  
City of Eden Prairie, MN  
City of Houston  
City of Irvine, California  
City of Kenmore, Washington, and David Baker, Vice-Chair, National League of Cities Information Technology and Communications Committee  
City of Lansing, Michigan  
City of Mukilteo  
City of New Orleans, Louisiana  
City of New York  
City of Philadelphia  
City of Springfield, Oregon  
Cityscape Consultants, Inc.  
Coalition for American Heritage, Society for American Archaeology, American Cultural Resources Association, Society for Historical Archaeology, and American Anthropological Association  
Colorado Communications and Utility Alliance (CCUA), Rainier Communications Commission (RCC), City of Seattle, Washington, City of Tacoma, Washington, King County, Washington, Jersey Access Group (JAG), and Colorado Municipal League (CML)  
Colorado River Indian Tribes  
Colorado State Historic Preservation Office  
Comcast Corporation  
Commissioner Sal Pace, Pueblo Board of County Commissioners  
Community Associations Institute  
Competitive Carriers Association  
CompTIA (The Computing Technology Industry Association)  
Computer & Communications Industry Association (CCIA)  
Confederated Tribes of the Colville Reservation  
Confederated Tribes of the Umatilla Indian Reservation Cultural Resources Protection Program  
Consumer Technology Association  
Conterra Broadband Services, Southern Light, LLC, and Uniti Group, Inc.  
Critical Infrastructure Coalition  
Crow Creek Sioux Tribe  
Crown Castle  
CTIA  
CTIA and Wireless Infrastructure Association  
David Roetman, Minnehaha County GOP Chairman  
Defenders of Wildlife  
Department of Arkansas Heritage (Arkansas Historic Preservation Program)  
DuPage Mayors and Managers Conference  
East Bay Municipal Utility District  
Eastern Shawnee Tribe of Oklahoma  
Edward Czelada  
Elijah Mondy  
Elizabeth Doonan

Ellen Marks  
EMF Safety Network, Ecological Options Network  
Environmental Health Trust  
ExteNet Systems, Inc.  
Fairfax County, Virginia  
FibAire Communications, LLC d/b/a AireBeam  
Florida Coalition of Local Governments  
Fond du Lac Band of Lake Superior Chippewa  
Forest County Potawatomi Community of Wisconsin  
Fort Belknap Indian Community  
Free State Foundation  
General Communication, Inc.  
Georgia Department of Transportation  
Georgia Historic Preservation Division  
Georgia Municipal Association, Inc.  
Gila River Indian Community  
Greywale Advisors  
History Colorado (Colorado State Historic Preservation Office)  
Hongwei Dong  
Hualapai Department of Cultural Resources  
Illinois Department of Transportation  
Illinois Municipal League  
INCOMPAS  
Information Technology and Innovation Foundation  
International Telecommunications Users Group  
Jack Li  
Jackie Cale  
Jerry Day  
Joel M. Moskowitz, Ph.D.  
Jonathan Mirin  
Joyce Barrett  
Karen Li  
Karen Spencer  
Karon Gubbrud  
Kate Kheel  
Kaw Nation  
Kevin Mottus  
Keweenaw Bay Indian Community  
Kialegee Tribal Town  
League of Arizona Cities and Towns, League of California Cities, and League of Oregon Cities  
League of Minnesota Cities  
Leo Cashman  
Lower Brule Sioux Tribe  
Li Sun  
Lighttower Fiber Networks  
Lisbeth Britt  
Lower Brule Sioux Tribe  
Maine Department of Transportation  
Marty Feffer  
Mary Whisenand, Iowa Governor's Commission on Community Action Agencies  
Mashantucket (Western) Pequot Tribe  
Mashpee Wampanoag Tribe



Matthew Goulet  
Mayor Patrick Furey, City of Torrance, California  
McLean Citizens Association  
Miami Tribe of Oklahoma  
Missouri State Historic Preservation Office  
Mobile Future  
Mobilitie, LLC  
Mohegan Tribe of Indians of Connecticut  
Montana State Historic Preservation Office  
Monte R. Lee and Company  
Muckleshoot Indian Tribe  
Muscogee (Creek) Nation  
National Association of Tower Erectors (NATE)  
National Association of Tribal Historic Preservation Officers  
National Black Caucus of State Legislators  
National Conference of State Historic Preservation Officers  
National Congress of American Indians  
National Congress of American Indians, National Association of Tribal Historic Preservation Officers,  
and United South and Eastern Tribes Sovereignty Protection Fund  
National Congress of American Indians and United South and Eastern Tribes Sovereignty Protection  
Fund  
National League of Cities  
National League of Cities, United States Conference of Mayors, International Municipal Lawyers  
Association, Government Finance Officers Association, National Association of Counties,  
National Association of Regional Councils, National Association of Towns and Townships, and  
National Association of Telecommunications Officers and Advisors  
National Tribal Telecommunications Association  
National Trust for Historic Preservation  
Native Public Media  
NATOA  
Natural Resources Defense Council  
Navajo Nation and the Navajo Nation Telecommunications Regulatory Commission  
Naveen Albert  
NCTA—The Internet & Television Association  
nepsa solutions LLC  
New Mexico Department of Cultural Affairs, Historic Preservation Division  
Nez Perce Tribe  
Nina Beety  
Nokia  
North Carolina State Historic Preservation Office  
Northern Cheyenne Tribal Historic Preservation Office  
NTCA—The Rural Broadband Association  
Office of Historic Preservation for the Mashantucket Pequot Tribal Nation of Connecticut  
Ohio State Historic Preservation Office  
Oklahoma History Center State Historic Preservation Office  
Olemara Peters  
Omaha Tribe of Nebraska  
ONE Media, LLC  
Oregon State Historic Preservation Office  
Osage Nation  
Otoe-Missouria Tribe  
Pala Band of Mission Indians

Patrick Wronkiewicz  
Pechanga Band of Luiseno Indians  
Pennsylvania State Historic Preservation Office  
Prairie Island Indian Community  
PTA-FLA, Inc .  
Pueblo of Laguna  
Pueblo of Pojoaque  
Pueblo of Tesuque  
Puerto Rico State Historic Preservation Office  
Quad Cities Cable Communications Commission  
Quapaw Tribe of Oklahoma  
R Street Institute  
Rebecca Carol Smith  
Red Cliff Band of Lake Superior Chippewa  
Representative Tom Sloan, State of Kansas House of Representatives  
Representatives Anna G. Eshoo, Frank Pallone, Jr., and Raul Ruiz, U.S. House of Representatives  
Rhode Island Historical Preservation and Heritage Commission  
Rosebud Sioux Tribe Tribal Historic Preservation Cultural Resource Management Office  
Ronald M. Powell, Ph.D.  
S. Quick  
Sacred Wind Communications, Inc.  
Samsung Electronics America, Inc.  
Santa Clara Pueblo  
Sault Ste. Marie Tribe of Chippewa Indians  
SCAN NATOA, Inc.  
Seminole Nation of Oklahoma  
Seminole Tribe of Florida  
Senator Duane Ankney, Montana State Senate  
Shawnee Tribe  
Sisseton Wahpeton Oyate  
Skokomish Indian Tribe Tribal Historic Preservation Office  
Skull Valley Band of Goshute  
Smart Communities and Special Districts Coalition  
Soula Culver  
Sprint  
Standing Rock Sioux Tribe  
Starry, Inc.  
State of Washington Department of Archaeology & Historic Preservation  
Sue Present  
Swinomish Indian Tribal Community  
Table Mountain Rancheria Tribal Government Office  
Tanana Chiefs Conference  
Telecommunications Industry Association  
Texas Department of Transportation  
Texas Historical Commission  
Thlopthlocco Tribal Town  
T-Mobile USA, Inc.  
Tonkawa Tribe of Oklahoma  
Triangle Communication System, Inc.  
Twenty-Nine Palms Band of Mission Indians  
United Keetoowah Band of Cherokee Indians In Oklahoma  
Utah Department of Transportation

Ute Mountain Ute Tribe  
Utilities Technology Council  
Verizon  
Wampanoag Tribe of Gay Head (Aquinnah)  
WEC Energy Group, Inc.  
Wei Shen  
Wei-Ching Lee, MD, California Medical Association Delegate of Los Angeles County  
Winnebago Tribe of Nebraska  
Wireless Infrastructure Association  
Wireless Internet Service Providers Association  
Xcel Energy Services Inc.

**Reply Comments**

Alaska State Historic Preservation Office  
American Cable Association  
American Public Power Association  
Association of American Railroads  
California Public Utilities Commission  
Catherine Kleiber  
Chippewa Cree Tribe  
Cities of San Antonio, Texas; Eugene, Oregon; Bowie, Maryland; Huntsville, Alabama; and Knoxville, Tennessee  
City of Baltimore, Maryland  
City of New York  
City of Philadelphia  
Colorado Communications and Utility Alliance (CCUA), Rainier Communications Commission (RCC), City of Seattle, Washington, City of Tacoma, Washington, King County, Washington, Jersey Access Group (JAG), and Colorado Municipal League (CML)  
Comcast Corporation  
Communications Workers of America  
Competitive Carriers Association  
Consumer Technology Association  
Conterra Broadband Services, Southern Light, LLC, and Uniti Group Inc.  
Critical Infrastructure Coalition  
CTIA  
Dan Kleiber  
Enterprise Wireless Alliance  
Environmental Health Trust  
ExteNet Systems, Inc.  
Florida Coalition of Local Governments  
Confederated Tribes of Grand Ronde Community of Oregon Historic Preservation Department  
INCOMPAS  
Irregulars  
League of Arizona Cities and Towns, League of California Cities, and League of Oregon Cities  
National Association of Regulatory Utility Commissioners  
National Association of Telecommunications Officers and Advisors, National League of Cities, National Association of Towns and Townships, National Association of Regional Councils, United States Conference of Mayors, and Government Finance Officers Association  
National Congress of American Indians, United South and Eastern Tribes Sovereignty Protection Fund, and National Association of Tribal Historic Preservation Officers  
National Organization of Black Elected Legislative (NOBEL) Women  
National Rural Electric Cooperative Association

---

Navajo Nation and the Navajo Nation Telecommunications Regulatory Commission  
NCTA—The Internet & Television Association  
Pueblo of Acoma  
Puerto Rico Telephone Company, Inc., d/b/a Claro  
Quintillion Networks, LLC, and Quintillion Subsea Operations, LLC  
Rebecca Carol Smith  
SDN Communications  
Skyway Towers, LLC  
SmallCellSite.Com  
Smart Communities and Special Districts Coalition  
Sue Present  
The Greenlining Institute  
T-Mobile USA, Inc.  
Triangle Communication System, Inc.  
United States Conference of Mayors  
Verizon  
Washington, D.C. Office of the Chief Technology Officer  
Wireless Internet Service Providers Association  
Xcel Energy Services Inc.

## APPENDIX C

## Final Regulatory Flexibility Analysis

1. As required by the Regulatory Flexibility Act of 1980, as amended (RFA)<sup>1</sup> an Initial Regulatory Flexibility Analysis (IRFA) was incorporated in the *Notice of Proposed Rulemaking (NPRM)*, released in April 2017.<sup>2</sup> The Commission sought written public comment on the proposals in the *NPRM*, including comment on the IRFA. The comments received are addressed below in Section B. This present Final Regulatory Flexibility Analysis (FRFA) conforms to the RFA.<sup>3</sup>

**A. Need for and Objectives of the Rules**

2. In the *Third Report and Order*, the Commission continues its efforts to promote the timely buildout of wireless infrastructure across the country by eliminating regulatory impediments that unnecessarily delay bringing personal wireless services to consumers. The record shows that lengthy delays in approving siting applications by siting agencies has been a persistent problem.<sup>4</sup> With this in mind, the *Third Report and Order* establishes and codifies specific rules concerning the amount of time siting agencies may take to review and approve certain categories of wireless infrastructure siting applications. More specifically, the Commission addresses its Section 332 shot clock rules for infrastructure applications which will be presumed reasonable under the Communications Act. As an initial matter, the Commission establishes two new shot clocks for Small Wireless Facilities applications. For collocation of Small Wireless Facilities on preexisting structures, the Commission adopts a 60-day shot clock which applies to both individual and batched applications. For applications associated with Small Wireless Facilities new construction we adopt a 90-day shot clock for both individual and batched applications.<sup>5</sup> The Commission also codifies two existing Section 332 shot clocks for all other Non-Small Wireless Facilities that were established in the *2009 Declaratory Ruling* without codification.<sup>6</sup> These existing shot clocks require 90-days for processing of all other Non-Small Wireless Facilities collocation applications, and 150-days for processing of all other Non-Small Wireless Facilities applications other than collocations.

3. The *Third Report and Order* addresses other issues related to both the existing and new shot clocks. In particular we address the specific types of authorizations subject to the “Reasonable Period of Time” provisions of Section 332(c)(7)(B)(ii), finding that “any request for authorization to place, construct, or modify personal wireless service facilities” under Section 332(c)(7)(B)(ii) means all authorizations a locality may require, and to all aspects of and steps in the siting process, including license or franchise agreements to access ROW, building permits, public notices and meetings, lease negotiations, electric permits, road closure permits, aesthetic approvals, and other authorizations needed for deployment of personal wireless services infrastructure.<sup>7</sup> The Commission also addresses collocation on structures not previously zoned for wireless use,<sup>8</sup> when the four Section 332 shot clocks begin to run,<sup>9</sup>

---

<sup>1</sup> See 5 U.S.C. § 603. The RFA, see 5 U.S.C. §§ 601—612, has been amended by the Small Business Regulatory Enforcement Fairness Act of 1996 (SBREFA), Pub. L. No. 104-121, Title II, 110 Stat. 857 (1996).

<sup>2</sup> See *Accelerating Wireless Broadband Deployment by Removing Barriers to Infrastructure Deployment*, Notice of Proposed Rulemaking, 32 FCC Rcd 3330 (2017).

<sup>3</sup> See 5 U.S.C. § 604.

<sup>4</sup> See *supra* paras. 23-9.

<sup>5</sup> See *supra* paras. 111-12.

<sup>6</sup> See *supra* paras. 138-39; *2009 Declaratory Ruling*.

<sup>7</sup> See *supra* paras. 132-37.

<sup>8</sup> See *supra* para. 140.

the impact of incomplete applications on our Section 332 shot clocks,<sup>10</sup> and how state imposed shot clocks remedies effect the Commission's Section 332 shot clocks remedies.<sup>11</sup>

4. The Commission discusses the appropriate judicial remedy that applicants may pursue in cases where a siting authority fails to act within the applicable shot clock period.<sup>12</sup> In those situations, applicants may commence an action in a court of competent jurisdiction alleging a violation of Section 332(c)(7)(B)(i)(II) and seek injunctive relief granting the application. Notwithstanding the availability of a judicial remedy if a shot clock deadline is missed, the Commission recognizes that the Section 332 time frames might not be met in exceptional circumstances and has refined its interpretation of the circumstances when a period of time longer than the relevant shot clock would nonetheless be a reasonable period of time for action by a siting agency.<sup>13</sup> In addition, a siting authority that is subject to a court action for missing an applicable shot clock deadline has the opportunity to demonstrate that the failure to act was reasonable under the circumstances and, therefore, did not materially limit or inhibit the applicant from introducing new services or improving existing services thereby rebutting the effective prohibition presumption.

5. The rules adopted in the *Third Report and Order* will accelerate the deployment of wireless infrastructure needed for the mobile wireless services of the future, while preserving the fundamental role of localities in this process. Under the Commission's new rules, localities will maintain control over the placement, construction and modification of personal wireless facilities, while at the same time the Commission's new process will streamline the review of wireless siting applications.

#### **B. Summary of Significant Issues Raised by Public Comments in Response to the IRFA**

6. Only one party—the Smart Communities and Special Districts Coalition—filed comments specifically addressing the rules and policies proposed in the IRFA. They argue that any shortening or alteration of the Commission's existing shot clocks or the adoption of a deemed granted remedy will adversely affect small local governments, special districts, property owners, small developers, and others by placing their siting applications behind wireless provider siting applications.<sup>14</sup> Subsequently, NATOA filed comments concerning the draft FRFA.<sup>15</sup> NATOA argues that the new shot clocks impose burdens on local governments and particularly those with limited resources. NATOA asserts that the new shot clocks will spur more deployment applications than localities currently process.

7. These arguments, however, fail to acknowledge that Section 332 shot clocks have been in place for years and reflect Congressional intent as seen in the statutory language of Section 332. The record in this proceeding demonstrates the need for, and reasonableness of, expediting the siting review of certain facility deployments.<sup>16</sup> More streamlined procedures are both reasonable and necessary to provide greater predictability. The current shot clocks do not reflect the evolution of the application review process and evidence that localities can complete reviews more quickly than was the case when the original shot clocks were adopted nine years ago. Localities have gained significant experience processing wireless siting applications and several jurisdictions already have in place laws that require

(Continued from previous page) \_\_\_\_\_

<sup>9</sup> See *supra* paras. 141-46.

<sup>10</sup> *Id.*

<sup>11</sup> See *supra* para. 147.

<sup>12</sup> See *supra* paras. **Error! Reference source not found.**-131.

<sup>13</sup> See *supra* para. 127.

<sup>14</sup> Smart Communities Comments at 81; see also Letter from Gerard Lavery Lederer, Counsel, Smart Communities, to Marlene H. Dortch, Secretary, FCC, WT Docket No. 17-79, *Ex Parte* Submission at 33 (filed Sept. 19, 2018).

<sup>15</sup> Letter from Nancy Werner, NATOA, to Marlene H. Dortch, Secretary, FCC, WT Docket No. 17-79, at 4-5 (filed Sept. 19, 2018).

<sup>16</sup> See *supra* para. 106.

applications to be processed in less time than the Commission's new shot clocks. With the passage of time, sitting agencies have become more efficient in processing siting applications and this, in turn, should reduce any economic burden the Commission's new shot clock provisions have on them.

8. The Commission has carefully considered the impact of its new shot clocks on siting authorities and has established shot clocks that take into consideration the nature and scope of siting requests by establishing shot clocks of different lengths of time that depend on the nature of the siting request at issue.<sup>17</sup> The length of these shot clocks is based in part on the need to ensure that local governments have ample time to take any steps needed to protect public safety and welfare and to process other pending utility applications.<sup>18</sup> Since local siting authorities have gained experience in processing siting requests in an expedited fashion, they should be able to comply with the Commission's new shot clocks.

9. The Commission has taken into consideration the concerns of the Smart Communities and Special Districts Coalition and NATOA. It has established shot clocks that will not favor wireless providers over other applicants with pending siting applications. Further, instead of adopting a deemed granted remedy that would grant a siting application when a shot clock lapses without a decision on the merits, the Commission provides guidance as to the appropriate judicial remedy that applicants may pursue and examples of exceptional circumstance where a siting authority may be justified in needing additional time to review a siting application than the applicable shot clock allows.<sup>19</sup> Under this approach, the applicant may seek injunctive relief as long as several minimum requirements are met. The siting authority, however, can rebut the presumptive reasonableness of the applicable shot clock under certain circumstances. The circumstances under which a sitting authority might have to do this will be rare. Under this carefully crafted approach, the interests of siting applicants, siting authorities, and citizens are protected.

**C. Response to Comments by the Chief Counsel for Advocacy of the Small Business Administration**

10. Pursuant to the Small Business Jobs Act of 2010, which amended the RFA, the Commission is required to respond to any comments filed by the Chief Counsel for Advocacy of the Small Business Administration (SBA), and to provide a detailed statement of any change made to the proposed rules as a result of those comments.<sup>20</sup>

11. The Chief Counsel did not file any comments in response to the proposed rules in this proceeding.

**D. Description and Estimate of the Number of Small Entities to Which the Rules Will Apply**

12. The RFA directs agencies to provide a description of, and where feasible, an estimate of the number of small entities that may be affected by the rules adopted herein.<sup>21</sup> The RFA generally defines the term "small entity" as having the same meaning as the terms "small business," "small organization," and "small governmental jurisdiction."<sup>22</sup> In addition, the term "small business" has the same meaning as the term "small business concern" under the Small Business Act.<sup>23</sup> A "small business

---

<sup>17</sup> See *supra* paras. 105-112.

<sup>18</sup> *Id.*

<sup>19</sup> See *supra* paras. 116-131.

<sup>20</sup> 5 U.S.C. § 604(a)(3).

<sup>21</sup> See 5 U.S.C. § 604(a)(3).

<sup>22</sup> 5 U.S.C. § 601(6).

<sup>23</sup> 5 U.S.C. § 601(3) (incorporating by reference the definition of "small-business concern" in the Small Business Act, 15 U.S.C. § 632). Pursuant to 5 U.S.C. § 601(3), the statutory definition of a small business applies "unless an

concern” is one which: (1) is independently owned and operated; (2) is not dominant in its field of operation; and (3) satisfies any additional criteria established by the SBA.<sup>24</sup>

13. *Small Businesses, Small Organizations, Small Governmental Jurisdictions.* Our actions, over time, may affect small entities that are not easily categorized at present. We therefore describe here, at the outset, three broad groups of small entities that could be directly affected herein.<sup>25</sup> First, while there are industry specific size standards for small businesses that are used in the regulatory flexibility analysis, according to data from the SBA’s Office of Advocacy, in general a small business is an independent business having fewer than 500 employees.<sup>26</sup> These types of small businesses represent 99.9 percent of all businesses in the United States which translates to 28.8 million businesses.<sup>27</sup>

14. Next, the type of small entity described as a “small organization” is generally “any not-for-profit enterprise which is independently owned and operated and is not dominant in its field.”<sup>28</sup> Nationwide, as of August 2016, there were approximately 356,494 small organizations based on registration and tax data filed by nonprofits with the Internal Revenue Service (IRS).<sup>29</sup>

15. Finally, the small entity described as a “small governmental jurisdiction” is defined generally as “governments of cities, counties, towns, townships, villages, school districts, or special districts, with a population of less than fifty thousand.”<sup>30</sup> U.S. Census Bureau data from the 2012 Census of Governments<sup>31</sup> indicate that there were 90,056 local governmental jurisdictions consisting of general purpose governments and special purpose governments in the United States.<sup>32</sup> Of this number there were

(Continued from previous page) \_\_\_\_\_  
agency, after consultation with the Office of Advocacy of the Small Business Administration and after opportunity for public comment, establishes one or more definitions of such term which are appropriate to the activities of the agency and publishes such definition(s) in the Federal Register.”

<sup>24</sup> 15 U.S.C. § 632.

<sup>25</sup> See 5 U.S.C. § 601(3)-(6).

<sup>26</sup> See SBA, Office of Advocacy, “Frequently Asked Questions, Question 1—What is a small business?” [https://www.sba.gov/sites/default/files/advocacy/SB-FAQ-2016\\_WEB.pdf](https://www.sba.gov/sites/default/files/advocacy/SB-FAQ-2016_WEB.pdf) (June 2016).

<sup>27</sup> See SBA, Office of Advocacy, “Frequently Asked Questions, Question 2- How many small businesses are there in the U.S.?” [https://www.sba.gov/sites/default/files/advocacy/SB-FAQ-2016\\_WEB.pdf](https://www.sba.gov/sites/default/files/advocacy/SB-FAQ-2016_WEB.pdf) (June 2016).

<sup>28</sup> 5 U.S.C. § 601(4).

<sup>29</sup> Data from the Urban Institute, National Center for Charitable Statistics (NCCS) reporting on nonprofit organizations registered with the IRS was used to estimate the number of small organizations. Reports generated using the NCCS online database indicated that as of August 2016 there were 356,494 registered nonprofits with total revenues of less than \$100,000. Of this number 326,897 entities filed tax returns with 65,113 registered nonprofits reporting total revenues of \$50,000 or less on the IRS Form 990-N for Small Exempt Organizations and 261,784 nonprofits reporting total revenues of \$100,000 or less on some other version of the IRS Form 990 within 24 months of the August 2016 data release date. See <http://nccs.urban.org/sites/all/nccs-archive/html/tablewiz/tw.php> where the report showing this data can be generated by selecting the following data fields: Report: “The Number and Finances of All Registered 501(c) Nonprofits”; Show: “Registered Nonprofits”; By: “Total Revenue Level (years 1995, Aug to 2016, Aug)”; and For: “2016, Aug” then selecting “Show Results”.

<sup>30</sup> 5 U.S.C. § 601(5).

<sup>31</sup> See 13 U.S.C. § 161. The Census of Government is conducted every five (5) years compiling data for years ending with “2” and “7”. See also Program Description Census of Government <https://factfinder.census.gov/faces/affhelp/jsf/pages/metadata.xhtml?lang=en&type=program&id=program.en.CO G#>.

<sup>32</sup> See U.S. Census Bureau, 2012 Census of Governments, Local Governments by Type and State: 2012 - United States-States. <https://factfinder.census.gov/bkmk/table/1.0/en/COG/2012/ORG02.US01>. Local governmental jurisdictions are classified in two categories - General purpose governments (county, municipal and town or township) and Special purpose governments (special districts and independent school districts).



37, 132 General purpose governments (county<sup>33</sup>, municipal and town or township<sup>34</sup>) with populations of less than 50,000 and 12,184 Special purpose governments (independent school districts<sup>35</sup> and special districts<sup>36</sup>) with populations of less than 50,000. The 2012 U.S. Census Bureau data for most types of governments in the local government category show that the majority of these governments have populations of less than 50,000.<sup>37</sup> Based on this data we estimate that at least 49,316 local government jurisdictions fall in the category of “small governmental jurisdictions.”<sup>38</sup>

16. *Wireless Telecommunications Carriers (except Satellite)*. This industry comprises establishments engaged in operating and maintaining switching and transmission facilities to provide communications via the airwaves. Establishments in this industry have spectrum licenses and provide services using that spectrum, such as cellular services, paging services, wireless Internet access, and wireless video services.<sup>39</sup> The appropriate size standard under SBA rules is that such a business is small if it has 1,500 or fewer employees.<sup>40</sup> For this industry, U.S. Census data for 2012 show that there were 967 firms that operated for the entire year.<sup>41</sup> Of this total, 955 firms had employment of 999 or fewer employees and 12 had employment of 1000 employees or more.<sup>42</sup> Thus under this category and the associated size standard, the Commission estimates that the majority of wireless telecommunications

<sup>33</sup> See U.S. Census Bureau, 2012 Census of Governments, County Governments by Population-Size Group and State: 2012 - United States—States. <https://factfinder.census.gov/bkmk/table/1.0/en/COG/2012/ORG06.US01>. There were 2,114 county governments with populations less than 50,000.

<sup>34</sup> See U.S. Census Bureau, 2012 Census of Governments, Subcounty General-Purpose Governments by Population-Size Group and State: 2012 - United States—States. <https://factfinder.census.gov/bkmk/table/1.0/en/COG/2012/ORG07.US01>. There were 18,811 municipal and 16,207 town and township governments with populations less than 50,000.

<sup>35</sup> See U.S. Census Bureau, 2012 Census of Governments, Elementary and Secondary School Systems by Enrollment-Size Group and State: 2012 - United States—States. <https://factfinder.census.gov/bkmk/table/1.0/en/COG/2012/ORG11.US01>. There were 12,184 independent school districts with enrollment populations less than 50,000.

<sup>36</sup> See U.S. Census Bureau, 2012 Census of Governments, Special District Governments by Function and State: 2012 - United States—States. <https://factfinder.census.gov/bkmk/table/1.0/en/COG/2012/ORG09.US01>. The U.S. Census Bureau data did not provide a population breakout for special district governments.

<sup>37</sup> See U.S. Census Bureau, 2012 Census of Governments, County Governments by Population-Size Group and State: 2012 - United States—States - <https://factfinder.census.gov/bkmk/table/1.0/en/COG/2012/ORG06.US01>; Subcounty General-Purpose Governments by Population-Size Group and State: 2012 - United States—States - <https://factfinder.census.gov/bkmk/table/1.0/en/COG/2012/ORG07.US01>; and Elementary and Secondary School Systems by Enrollment-Size Group and State: 2012 - United States—States. <https://factfinder.census.gov/bkmk/table/1.0/en/COG/2012/ORG11.US01>. While U.S. Census Bureau data did not provide a population breakout for special district governments, if the population of less than 50,000 for this category of local government is consistent with the other types of local governments the majority of the 38, 266 special district governments have populations of less than 50,000.

<sup>38</sup> *Id.*

<sup>39</sup> U.S. Census Bureau, 2012 NAICS Definitions, “517210 Wireless Telecommunications Carriers (Except Satellite),” See <https://factfinder.census.gov/faces/affhelp/jsf/pages/metadata.xhtml?lang=en&typib&id=ib.en/ECN.NAICS2012.517210>.

<sup>40</sup> 13 CFR § 121.201, NAICS Code 517210.

<sup>41</sup> U.S. Census Bureau, 2012 *Economic Census of the United States*, Table EC1251SSSZ5, *Information: Subject Series: Estab and Firm Size: Employment Size of Firms for the U.S.: 2012* NAICS Code 517210, [https://factfinder.census.gov/bkmk/table/1.0/en/ECN/2012\\_US/51SSSZ5//naics~517210](https://factfinder.census.gov/bkmk/table/1.0/en/ECN/2012_US/51SSSZ5//naics~517210).

<sup>42</sup> *Id.* Available census data do not provide a more precise estimate of the number of firms that have employment of 1,500 or fewer employees; the largest category provided is for firms with “1000 employees or more.”

carriers (except satellite) are small entities.

17. The Commission's own data—available in its Universal Licensing System—indicate that, as of May 17, 2018, there are 264 Cellular licensees that will be affected by our actions.<sup>43</sup> The Commission does not know how many of these licensees are small, as the Commission does not collect that information for these types of entities. Similarly, according to Commission data, 413 carriers reported that they were engaged in the provision of wireless telephony, including cellular service, Personal Communications Service (PCS), and Specialized Mobile Radio (SMR) Telephony services.<sup>44</sup> Of this total, an estimated 261 have 1,500 or fewer employees and 152 have more than 1,500 employees.<sup>45</sup> Thus, using available data, we estimate that the majority of wireless firms can be considered small.

18. *Personal Radio Services.* Personal radio services provide short-range, low-power radio for personal communications, radio signaling, and business communications not provided for in other services. Personal radio services include services operating in spectrum licensed under Part 95 of our rules.<sup>46</sup> These services include Citizen Band Radio Service, General Mobile Radio Service, Radio Control Radio Service, Family Radio Service, Wireless Medical Telemetry Service, Medical Implant Communications Service, Low Power Radio Service, and Multi-Use Radio Service.<sup>47</sup> There are a variety of methods used to license the spectrum in these rule parts, from licensing by rule, to conditioning operation on successful completion of a required test, to site-based licensing, to geographic area licensing. All such entities in this category are wireless, therefore we apply the definition of Wireless Telecommunications Carriers (except Satellite), pursuant to which the SBA's small entity size standard is defined as those entities employing 1,500 or fewer persons.<sup>48</sup> For this industry, U.S. Census data for 2012 show that there were 967 firms that operated for the entire year.<sup>49</sup> Of this total, 955 firms had employment of 999 or fewer employees and 12 had employment of 1000 employees or more.<sup>50</sup> Thus under this category and the associated size standard, the Commission estimates that the majority of firms can be considered small. We note however that many of the licensees in this category are individuals and not small entities. In addition, due to the mostly unlicensed and shared nature of the spectrum utilized in many of these services, the Commission lacks direct information upon which to base an estimation of the number of small entities that may be affected by our actions in this proceeding.

19. *Public Safety Radio Licensees.* Public Safety Radio Pool licensees as a general matter, include police, fire, local government, forestry conservation, highway maintenance, and emergency

---

<sup>43</sup> See <http://wireless.fcc.gov/uls>. For the purposes of this FRFA, consistent with Commission practice for wireless services, the Commission estimates the number of licensees based on the number of unique FCC Registration Numbers.

<sup>44</sup> See Federal Communications Commission, Wireline Competition Bureau, Industry Analysis and Technology Division, Trends in Telephone Service at Table 5.3 (Sept. 2010) (*Trends in Telephone Service*), [https://apps.fcc.gov/edocs\\_public/attachmatch/DOC-301823A1.pdf](https://apps.fcc.gov/edocs_public/attachmatch/DOC-301823A1.pdf).

<sup>45</sup> See *id.*

<sup>46</sup> 47 CFR Part 90.

<sup>47</sup> The Citizens Band Radio Service, General Mobile Radio Service, Radio Control Radio Service, Family Radio Service, Wireless Medical Telemetry Service, Medical Implant Communications Service, Low Power Radio Service, and Multi-Use Radio Service are governed by subpart D, subpart A, subpart C, subpart B, subpart H, subpart I, subpart G, and subpart J, respectively, of Part 95 of the Commission's rules. See generally 47 CFR Part 95.

<sup>48</sup> 13 CFR § 121.201, NAICS Code 517312.

<sup>49</sup> U.S. Census Bureau, *2012 Economic Census of the United States*, Table EC1251SSSZ5, *Information: Subject Series: Estab and Firm Size: Employment Size of Firms for the U.S.: 2012* NAICS Code 517210, [https://factfinder.census.gov/bkmk/table/1.0/en/ECN/2012\\_US/51SSSZ5//naics~517210](https://factfinder.census.gov/bkmk/table/1.0/en/ECN/2012_US/51SSSZ5//naics~517210).

<sup>50</sup> *Id.* Available census data do not provide a more precise estimate of the number of firms that have employment of 1,500 or fewer employees; the largest category provided is for firms with "1000 employees or more."

medical services.<sup>51</sup> Because of the vast array of public safety licensees, the Commission has not developed a small business size standard specifically applicable to public safety licensees. The closest applicable SBA category is Wireless Telecommunications Carriers (except Satellite) which encompasses business entities engaged in radiotelephone communications. The appropriate size standard for this category under SBA rules is that such a business is small if it has 1,500 or fewer employees.<sup>52</sup> For this industry, U.S. Census data for 2012 show that there were 967 firms that operated for the entire year.<sup>53</sup> Of this total, 955 firms had employment of 999 or fewer employees and 12 had employment of 1000 employees or more.<sup>54</sup> Thus under this category and the associated size standard, the Commission estimates that the majority of firms can be considered small. With respect to local governments, in particular, since many governmental entities comprise the licensees for these services, we include under public safety services the number of government entities affected. According to Commission records, there are a total of approximately 133,870 licenses within these services.<sup>55</sup> There are 3,121 licenses in the 4.9 GHz band, based on an FCC Universal Licensing System search of March 29, 2017.<sup>56</sup> We estimate that fewer than 2,442 public safety radio licensees hold these licenses because certain entities may have multiple licenses.

20. *Private Land Mobile Radio Licensees.* Private land mobile radio (PLMR) systems serve an essential role in a vast range of industrial, business, land transportation, and public safety activities. These radios are used by companies of all sizes operating in all U.S. business categories. Because of the vast array of PLMR users, the Commission has not developed a small business size standard specifically applicable to PLMR users. The closest applicable SBA category is Wireless Telecommunications Carriers (except Satellite) which encompasses business entities engaged in radiotelephone communications.<sup>57</sup> The appropriate size standard for this category under SBA rules is that such a business

---

<sup>51</sup> See subparts A and B of Part 90 of the Commission's Rules, 47 CFR §§ 90.1-90.22. Police licensees serve state, county, and municipal enforcement through telephony (voice), telegraphy (code), and teletype and facsimile (printed material). Fire licensees are comprised of private volunteer or professional fire companies, as well as units under governmental control. Public Safety Radio Pool licensees also include state, county, or municipal entities that use radio for official purposes. State departments of conservation and private forest organizations comprise forestry service licensees that set up communications networks among fire lookout towers and ground crews. State and local governments are highway maintenance licensees that provide emergency and routine communications to aid other public safety services to keep main roads safe for vehicular traffic. Emergency medical licensees use these channels for emergency medical service communications related to the delivery of emergency medical treatment. Additional licensees include medical services, rescue organizations, veterinarians, persons with disabilities, disaster relief organizations, school buses, beach patrols, establishments in isolated areas, communications standby facilities, and emergency repair of public communications facilities.

<sup>52</sup> See 13 CFR § 121.201, NAICS Code 517210.

<sup>53</sup> U.S. Census Bureau, *2012 Economic Census of the United States*, Table EC1251SSSZ5, *Information: Subject Series: Estab and Firm Size: Employment Size of Firms for the U.S.: 2012* NAICS Code 517210. [https://factfinder.census.gov/bkmk/table/1.0/en/ECN/2012\\_US/51SSSZ5//naics~517210](https://factfinder.census.gov/bkmk/table/1.0/en/ECN/2012_US/51SSSZ5//naics~517210).

<sup>54</sup> *Id.* Available census data do not provide a more precise estimate of the number of firms that have employment of 1,500 or fewer employees; the largest category provided is for firms with "1000 employees or more."

<sup>55</sup> This figure was derived from Commission licensing records as of June 27, 2008. Licensing numbers change daily. We do not expect this number to be significantly smaller as of the date of this order. This does not indicate the number of licensees, as licensees may hold multiple licenses. There is no information currently available about the number of public safety licensees that have less than 1,500 employees.

<sup>56</sup> Based on an FCC Universal Licensing System search of March 29, 2017. Search parameters: Radio Service = PA—Public Safety 4940-4990 MHz Band; Authorization Type = Regular; Status = Active.

<sup>57</sup> U.S. Census Bureau, 2012 NAICS Definitions, "517210 Wireless Telecommunications Carriers (Except Satellite)," See <https://factfinder.census.gov/faces/affhelp/jsf/pages/metadata.xhtml?lang=en&type=ib&id=ib.en/ECN.NAICS2012.517210> (last visited Mar. 6, 2018).

is small if it has 1,500 or fewer employees.<sup>58</sup> For this industry, U.S. Census data for 2012 show that there were 967 firms that operated for the entire year.<sup>59</sup> Of this total, 955 firms had employment of 999 or fewer employees and 12 had employment of 1000 employees or more.<sup>60</sup> Thus under this category and the associated size standard, the Commission estimates that the majority of PLMR Licensees are small entities.

21. According to the Commission's records, a total of approximately 400,622 licenses comprise PLMR users.<sup>61</sup> Of this number there are a total of 3,374 licenses in the frequencies range 173.225 MHz to 173.375 MHz, which is the range affected by the *Third Report and Order*.<sup>62</sup> The Commission does not require PLMR licensees to disclose information about number of employees, and does not have information that could be used to determine how many PLMR licensees constitute small entities under this definition. The Commission however believes that a substantial number of PLMR licensees may be small entities despite the lack of specific information.

22. *Multiple Address Systems*. Entities using Multiple Address Systems (MAS) spectrum, in general, fall into two categories: (1) those using the spectrum for profit-based uses, and (2) those using the spectrum for private internal uses. With respect to the first category, Profit-based Spectrum use, the size standards established by the Commission define "small entity" for MAS licensees as an entity that has average annual gross revenues of less than \$15 million over the three previous calendar years.<sup>63</sup> A "Very small business" is defined as an entity that, together with its affiliates, has average annual gross revenues of not more than \$3 million over the preceding three calendar years.<sup>64</sup> The SBA has approved these definitions.<sup>65</sup> The majority of MAS operators are licensed in bands where the Commission has implemented a geographic area licensing approach that requires the use of competitive bidding procedures to resolve mutually exclusive applications.

23. The Commission's licensing database indicates that, as of April 16, 2010, there were a total of 11,653 site-based MAS station authorizations. Of these, 58 authorizations were associated with common carrier service. In addition, the Commission's licensing database indicates that, as of April 16, 2010, there were a total of 3,330 Economic Area market area MAS authorizations. The Commission's licensing database also indicates that, as of April 16, 2010, of the 11,653 total MAS station authorizations, 10,773 authorizations were for private radio service. In 2001, an auction for 5,104 MAS

---

<sup>58</sup> See 13 CFR § 121.201, NAICS Code 517210.

<sup>59</sup> U.S. Census Bureau, *2012 Economic Census of the United States*, Table EC1251SSSZ5, *Information: Subject Series: Estab and Firm Size: Employment Size of Firms for the U.S.: 2012 NAICS Code 517210*. [https://factfinder.census.gov/bkmk/table/1.0/en/ECN/2012\\_US/51SSSZ5//naics~517210](https://factfinder.census.gov/bkmk/table/1.0/en/ECN/2012_US/51SSSZ5//naics~517210).

<sup>60</sup> *Id.* Available census data do not provide a more precise estimate of the number of firms that have employment of 1,500 or fewer employees; the largest category provided is for firms with "1000 employees or more."

<sup>61</sup> This figure was derived from Commission licensing records as of September 19, 2016. Licensing numbers change on a daily basis. This does not indicate the number of licensees, as licensees may hold multiple licenses. There is no information currently available about the number of PLMR licensees that have fewer than 1,500 employees.

<sup>62</sup> This figure was derived from Commission licensing records as of August 16, 2013. Licensing numbers change daily. We do not expect this number to be significantly smaller as of the date of this order. This does not indicate the number of licensees, as licensees may hold multiple licenses. There is no information currently available about the number of licensees that have fewer than 1,500 employees.

<sup>63</sup> See *Amendment of the Commission's Rules Regarding Multiple Address Systems*, Report and Order, 15 FCC Rcd 11956, 12008 para. 123 (2000).

<sup>64</sup> *Id.*

<sup>65</sup> See Letter from Aida Alvarez, Administrator, Small Business Administration, to Thomas Sugrue, Chief, Wireless Telecommunications Bureau, FCC (June 4, 1999).

licenses in 176 EAs was conducted.<sup>66</sup> Seven winning bidders claimed status as small or very small businesses and won 611 licenses. In 2005, the Commission completed an auction (Auction 59) of 4,226 MAS licenses in the Fixed Microwave Services from the 928/959 and 932/941 MHz bands. Twenty-six winning bidders won a total of 2,323 licenses. Of the 26 winning bidders in this auction, five claimed small business status and won 1,891 licenses.

24. With respect to the second category, Internal Private Spectrum use consists of entities that use, or seek to use, MAS spectrum to accommodate their own internal communications needs, MAS serves an essential role in a range of industrial, safety, business, and land transportation activities. MAS radios are used by companies of all sizes, operating in virtually all U.S. business categories, and by all types of public safety entities. For the majority of private internal users, the definition developed by the SBA would be more appropriate than the Commission's definition. The closest applicable definition of a small entity is the "Wireless Telecommunications Carriers (except Satellite)" definition under the SBA rules.<sup>67</sup> The appropriate size standard under SBA rules is that such a business is small if it has 1,500 or fewer employees.<sup>68</sup> For this category, U.S. Census data for 2012 show that there were 967 firms that operated for the entire year.<sup>69</sup> Of this total, 955 firms had employment of 999 or fewer employees and 12 had employment of 1000 employees or more.<sup>70</sup> Thus under this category and the associated small business size standard, the Commission estimates that the majority of firms that may be affected by our action can be considered small.

25. *Broadband Radio Service and Educational Broadband Service.* Broadband Radio Service systems, previously referred to as Multipoint Distribution Service (MDS) and Multichannel Multipoint Distribution Service (MMDS) systems, and "wireless cable," transmit video programming to subscribers and provide two-way high-speed data operations using the microwave frequencies of the Broadband Radio Service (BRS) and Educational Broadband Service (EBS) (previously referred to as the Instructional Television Fixed Service (ITFS)).<sup>71</sup>

26. *BRS* - In connection with the 1996 BRS auction, the Commission established a small business size standard as an entity that had annual average gross revenues of no more than \$40 million in the previous three calendar years.<sup>72</sup> The BRS auctions resulted in 67 successful bidders obtaining licensing opportunities for 493 Basic Trading Areas (BTAs). Of the 67 auction winners, 61 met the definition of a small business. BRS also includes licensees of stations authorized prior to the auction. At this time, we estimate that of the 61 small business BRS auction winners, 48 remain small business licensees. In addition to the 48 small businesses that hold BTA authorizations, there are approximately 86 incumbent BRS licensees that are considered small entities (18 incumbent

---

<sup>66</sup> See *Multiple Address Systems Spectrum Auction Closes*, Public Notice, 16 FCC Rcd 21011 (2001).

<sup>67</sup> 13 CFR § 121.201, NAICS Code 517210.

<sup>68</sup> *Id.*

<sup>69</sup> U.S. Census Bureau, *2012 Economic Census of the United States*, Table EC1251SSSZ5, *Information: Subject Series: Estab and Firm Size: Employment Size of Firms for the U.S.: 2012* NAICS Code 517210, [https://factfinder.census.gov/bkmk/table/1.0/en/ECN/2012\\_US/51SSSZ5/naics~517210](https://factfinder.census.gov/bkmk/table/1.0/en/ECN/2012_US/51SSSZ5/naics~517210).

<sup>70</sup> *Id.* Available census data do not provide a more precise estimate of the number of firms that have employment of 1,500 or fewer employees; the largest category provided is for firms with "1000 employees or more."

<sup>71</sup> *Amendment of Parts 21 and 74 of the Commission's Rules with Regard to Filing Procedures in the Multipoint Distribution Service and in the Instructional Television Fixed Service and Implementation of Section 309(j) of the Communications Act—Competitive Bidding*, Report and Order, 10 FCC Rcd 9589, 9593, para. 7 (1995).

<sup>72</sup> 47 CFR § 21.961(b)(1).

BRS licensees do not meet the small business size standard).<sup>73</sup> After adding the number of small business auction licensees to the number of incumbent licensees not already counted, we find that there are currently approximately 133 BRS licensees that are defined as small businesses under either the SBA or the Commission's rules.

27. In 2009, the Commission conducted Auction 86, the sale of 78 licenses in the BRS areas.<sup>74</sup> The Commission offered three levels of bidding credits: (i) a bidder with attributed average annual gross revenues that exceed \$15 million and do not exceed \$40 million for the preceding three years (small business) received a 15 percent discount on its winning bid; (ii) a bidder with attributed average annual gross revenues that exceed \$3 million and do not exceed \$15 million for the preceding three years (very small business) received a 25 percent discount on its winning bid; and (iii) a bidder with attributed average annual gross revenues that do not exceed \$3 million for the preceding three years (entrepreneur) received a 35 percent discount on its winning bid.<sup>75</sup> Auction 86 concluded in 2009 with the sale of 61 licenses.<sup>76</sup> Of the ten winning bidders, two bidders that claimed small business status won 4 licenses; one bidder that claimed very small business status won three licenses; and two bidders that claimed entrepreneur status won six licenses.

28. *EBS* - The Educational Broadband Service has been included within the broad economic census category and SBA size standard for Wired Telecommunications Carriers since 2007. Wired Telecommunications Carriers are comprised of establishments primarily engaged in operating and/or providing access to transmission facilities and infrastructure that they own and/or lease for the transmission of voice, data, text, sound, and video using wired telecommunications networks. Transmission facilities may be based on a single technology or a combination of technologies.<sup>77</sup> The SBA's small business size standard for this category is all such firms having 1,500 or fewer employees.<sup>78</sup> U.S. Census Bureau data for 2012 show that there were 3,117 firms that operated that year.<sup>79</sup> Of this total, 3,083 operated with fewer than 1,000 employees.<sup>80</sup> Thus, under this size standard, the majority of firms in this industry can be considered small. In addition to Census Bureau data, the Commission's Universal Licensing System indicates that as of October 2014, there are 2,206 active EBS licenses. The Commission estimates that of these 2,206 licenses, the majority are held by non-profit educational

---

<sup>73</sup> 47 U.S.C. § 309(j). Hundreds of stations were licensed to incumbent MDS licensees prior to implementation of Section 309(j) of the Communications Act of 1934, 47 U.S.C. § 309(j). For these pre-auction licenses, the applicable standard is SBA's small business size standard of 1500 or fewer employees.

<sup>74</sup> *Auction of Broadband Radio Service (BRS) Licenses, Scheduled for October 27, 2009, Notice and Filing Requirements, Minimum Opening Bids, Upfront Payments, and Other Procedures for Auction 86*, Public Notice, 24 FCC Rcd 8277 (2009).

<sup>75</sup> *Id.* at 8296 para. 73.

<sup>76</sup> *Auction of Broadband Radio Service Licenses Closes, Winning Bidders Announced for Auction 86, Down Payments Due November 23, 2009, Final Payments Due December 8, 2009, Ten-Day Petition to Deny Period*, Public Notice, 24 FCC Rcd 13572 (2009).

<sup>77</sup> U.S. Census Bureau, 2017 NAICS Definitions, "517311 Wired Telecommunications Carriers," <https://www.census.gov/cgi-bin/sssd/naics/naicsrch?code=517110&search=2017>.

<sup>78</sup> See 13 CFR § 121.201. The Wired Telecommunications Carrier category formerly used the NAICS code of 517110. As of 2017 the U.S. Census Bureau definition shows the NAICS code as 517311 for Wired Telecommunications Carriers. See, <https://www.census.gov/cgi-bin/sssd/naics/naicsrch?code=517311&search=2017>.

<sup>79</sup> See U.S. Census Bureau, *2012 Economic Census of the United States*, Table No. EC1251SSSZ5, *Information: Subject Series - Estab & Firm Size: Employment Size of Firms: 2012* (517110 Wired Telecommunications Carriers). [https://factfinder.census.gov/bkmk/table/1.0/en/ECN/2012\\_US/51SSSZ5//naics~517110](https://factfinder.census.gov/bkmk/table/1.0/en/ECN/2012_US/51SSSZ5//naics~517110).

<sup>80</sup> *Id.*

institutions and school districts, which are by statute defined as small businesses.<sup>81</sup>

29. *Location and Monitoring Service (LMS)*. LMS systems use non-voice radio techniques to determine the location and status of mobile radio units. For purposes of auctioning LMS licenses, the Commission has defined a “small business” as an entity that, together with controlling interests and affiliates, has average annual gross revenues for the preceding three years not to exceed \$15 million.<sup>82</sup> A “very small business” is defined as an entity that, together with controlling interests and affiliates, has average annual gross revenues for the preceding three years not to exceed \$3 million.<sup>83</sup> These definitions have been approved by the SBA.<sup>84</sup> An auction for LMS licenses commenced on February 23, 1999 and closed on March 5, 1999. Of the 528 licenses auctioned, 289 licenses were sold to four small businesses.

30. *Television Broadcasting*. This Economic Census category “comprises establishments primarily engaged in broadcasting images together with sound.”<sup>85</sup> These establishments operate television broadcast studios and facilities for the programming and transmission of programs to the public.<sup>86</sup> These establishments also produce or transmit visual programming to affiliated broadcast television stations, which in turn broadcast the programs to the public on a predetermined schedule. Programming may originate in their own studio, from an affiliated network, or from external sources. The SBA has created the following small business size standard for such businesses: those having \$38.5 million or less in annual receipts.<sup>87</sup> The 2012 Economic Census reports that 751 firms in this category operated in that year.<sup>88</sup> Of that number, 656 had annual receipts of \$25,000,000 or less, 25 had annual receipts between \$25,000,000 and \$49,999,999 and 70 had annual receipts of \$50,000,000 or more.<sup>89</sup> Based on this data we therefore estimate that the majority of commercial television broadcasters are small entities under the applicable SBA size standard.

31. The Commission has estimated the number of licensed commercial television stations to be 1,377.<sup>90</sup> Of this total, 1,258 stations (or about 91 percent) had revenues of \$38.5 million or less, according to Commission staff review of the BIA Kelsey Inc. Media Access Pro Television Database (BIA) on November 16, 2017, and therefore these licensees qualify as small entities under the SBA definition. In addition, the Commission has estimated the number of licensed noncommercial educational (NCE) television stations to be 384.<sup>91</sup> Notwithstanding, the Commission does not compile and otherwise does not have access to information on the revenue of NCE stations that would permit it to determine how

<sup>81</sup> The term “small entity” within SBREFA applies to small organizations (non-profits) and to small governmental jurisdictions (cities, counties, towns, townships, villages, school districts, and special districts with populations of less than 50,000). 5 U.S.C. §§ 601(4)-(6).

<sup>82</sup> *Amendment of Part 90 of the Commission’s Rules to Adopt Regulations for Automatic Vehicle Monitoring Systems*, Second Report and Order, 13 FCC Rcd 15182, 15192 para. 20 (1998); *see also* 47 CFR § 90.1103.

<sup>83</sup> *Id.*

<sup>84</sup> *See* Letter from Aida Alvarez, Administrator, Small Business Administration to Thomas J. Sugrue, Chief, Wireless Telecommunications Bureau, FCC (Feb. 22, 1999).

<sup>85</sup> U.S. Census Bureau, 2017 NAICS Definitions, “515120 Television Broadcasting,” <https://www.census.gov/cgi-bin/sssd/naics/naicsrch?input=515120&search=2017+NAICS+Search&search=2017>.

<sup>86</sup> *Id.*

<sup>87</sup> 13 CFR § 121.201; 2012 NAICS Code 515120.

<sup>88</sup> U.S. Census Bureau, Table No. EC1251SSSZ4, *Information: Subject Series - Establishment and Firm Size: Receipts Size of Firms for the United States: 2012* (515120 Television Broadcasting). [https://factfinder.census.gov/bkmk/table/1.0/en/ECN/2012\\_US/51SSSZ4/naics~515120](https://factfinder.census.gov/bkmk/table/1.0/en/ECN/2012_US/51SSSZ4/naics~515120).

<sup>89</sup> *Id.*

<sup>90</sup> *Broadcast Station Totals as of June 30, 2018*, Press Release (MB, rel. Jul. 3, 2018) (June 30, 2018 Broadcast Station Totals Press Release), <https://docs.fcc.gov/public/attachments/DOC-352168A1.pdf>.

<sup>91</sup> *Id.*

many such stations would qualify as small entities. There are also 2,300 low power television stations, including Class A stations (LPTV) and 3,681 TV translator stations.<sup>92</sup> Given the nature of these services, we will presume that all of these entities qualify as small entities under the above SBA small business size standard.

32. We note, however, that in assessing whether a business concern qualifies as “small” under the above definition, business (control) affiliations must be included.<sup>93</sup> Our estimate, therefore likely overstates the number of small entities that might be affected by our action, because the revenue figure on which it is based does not include or aggregate revenues from affiliated companies. In addition, another element of the definition of “small business” requires that an entity not be dominant in its field of operation. We are unable at this time to define or quantify the criteria that would establish whether a specific television broadcast station is dominant in its field of operation. Accordingly, the estimate of small businesses to which rules may apply does not exclude any television station from the definition of a small business on this basis and is therefore possibly over-inclusive. Also, as noted above, an additional element of the definition of “small business” is that the entity must be independently owned and operated. The Commission notes that it is difficult at times to assess these criteria in the context of media entities and its estimates of small businesses to which they apply may be over-inclusive to this extent.

33. *Radio Stations.* This Economic Census category “comprises establishments primarily engaged in broadcasting aural programs by radio to the public. Programming may originate in their own studio, from an affiliated network, or from external sources.”<sup>94</sup> The SBA has established a small business size standard for this category as firms having \$38.5 million or less in annual receipts.<sup>95</sup> Economic Census data for 2012 show that 2,849 radio station firms operated during that year.<sup>96</sup> Of that number, 2,806 operated with annual receipts of less than \$25 million per year, 17 with annual receipts between \$25 million and \$49,999,999 million and 26 with annual receipts of \$50 million or more.<sup>97</sup> Therefore, based on the SBA’s size standard the majority of such entities are small entities.

34. According to Commission staff review of the BIA/Kelsey, LLC’s Publications, Inc. Media Access Pro Radio Database (BIA) as of January 2018, about 11,261 (or about 99.92 percent) of 11,270 commercial radio stations had revenues of \$38.5 million or less and thus qualify as small entities under the SBA definition.<sup>98</sup> The Commission has estimated the number of licensed commercial AM radio stations to be 4,633 stations and the number of commercial FM radio stations to be 6,738, for a total number of 11,371.<sup>99</sup> We note, that the Commission has also estimated the number of licensed NCE radio stations to be 4,128.<sup>100</sup> Nevertheless, the Commission does not compile and otherwise does not have access to information on the revenue of NCE stations that would permit it to determine how many such stations would qualify as small entities.

---

<sup>92</sup> *Id.*

<sup>93</sup> See 13 CFR § 21.103(a)(1) “[Business concerns] are affiliates of each other when one concern controls or has the power to control the other or a third party or parties controls or has the power to control both.”

<sup>94</sup> U.S. Census Bureau, 2017 NAICS Definitions, “515112 Radio Stations,” <https://www.census.gov/cgi-bin/sssd/naics/naicsrch?input=515112&search=2017+NAICS+Search&search=2017>.

<sup>95</sup> 13 CFR § 121.201, NAICS Code 515112.

<sup>96</sup> U.S. Census Bureau, *2012 Economic Census of the United States*, Table No. EC1251SSSZ4, *Information: Subject Series - Establishment and Firm Size: Receipts Size of Firms for the United States: 2012* NAICS Code 515112, [https://factfinder.census.gov/bkmk/table/1.0/en/ECN/2012\\_US/51SSSZ4//naics~515112](https://factfinder.census.gov/bkmk/table/1.0/en/ECN/2012_US/51SSSZ4//naics~515112).

<sup>97</sup> *Id.*

<sup>98</sup> BIA/Kelsey, MEDIA Access Pro Database (viewed Jan. 26, 2018).

<sup>99</sup> Broadcast Station Totals as of June 30, 2018, Press Release (MB Jul. 3, 2018) (June 30, 2018 Broadcast Station Totals), <https://docs.fcc.gov/public/attachments/DOC-352168A1.pdf>.

<sup>100</sup> *Id.*



35. We also note, that in assessing whether a business entity qualifies as small under the above definition, business control affiliations must be included.<sup>101</sup> The Commission's estimate therefore likely overstates the number of small entities that might be affected by its action, because the revenue figure on which it is based does not include or aggregate revenues from affiliated companies. In addition, to be determined a "small business," an entity may not be dominant in its field of operation.<sup>102</sup> We further note, that it is difficult at times to assess these criteria in the context of media entities, and the estimate of small businesses to which these rules may apply does not exclude any radio station from the definition of a small business on these basis, thus our estimate of small businesses may therefore be over-inclusive. Also, as noted above, an additional element of the definition of "small business" is that the entity must be independently owned and operated. The Commission notes that it is difficult at times to assess these criteria in the context of media entities and the estimates of small businesses to which they apply may be over-inclusive to this extent.

36. *FM Translator Stations and Low Power FM Stations.* FM translators and Low Power FM Stations are classified in the category of Radio Stations and are assigned the same NAICS Code as licensees of radio stations.<sup>103</sup> This U.S. industry, Radio Stations, comprises establishments primarily engaged in broadcasting aural programs by radio to the public.<sup>104</sup> Programming may originate in their own studio, from an affiliated network, or from external sources.<sup>105</sup> The SBA has established a small business size standard which consists of all radio stations whose annual receipts are \$38.5 million dollars or less.<sup>106</sup> U.S. Census Bureau data for 2012 indicate that 2,849 radio station firms operated during that year.<sup>107</sup> Of that number, 2,806 operated with annual receipts of less than \$25 million per year, 17 with annual receipts between \$25 million and \$49,999,999 million and 26 with annual receipts of \$50 million or more.<sup>108</sup> Therefore, based on the SBA's size standard, we conclude that the majority of FM Translator Stations and Low Power FM Stations are small.

37. *Multichannel Video Distribution and Data Service (MVDDS).* MVDDS is a terrestrial fixed microwave service operating in the 12.2-12.7 GHz band. The Commission adopted criteria for defining three groups of small businesses for purposes of determining their eligibility for special provisions such as bidding credits. It defined a very small business as an entity with average annual gross revenues not exceeding \$3 million for the preceding three years; a small business as an entity with average annual gross revenues not exceeding \$15 million for the preceding three years; and an entrepreneur as an entity with average annual gross revenues not exceeding \$40 million for the preceding three years.<sup>109</sup> These definitions were approved by the SBA.<sup>110</sup> On January 27, 2004, the Commission

---

<sup>101</sup> 13 CFR § 121.103(a)(1). "[Business concerns] are affiliates of each other when one concern controls or has the power to control the other, or a third party or parties controls or has power to control both."

<sup>102</sup> 13 CFR § 121.102(b).

<sup>103</sup> See, U.S. Census Bureau, 2017 NAICS Definitions, "515112 Radio Stations," <https://www.census.gov/cgi-bin/sssd/naics/naicsrch?input=515112&search=2017+NAICS+Search&search=2017>.

<sup>104</sup> *Id.*

<sup>105</sup> *Id.*

<sup>106</sup> 13 CFR § 121.201, NAICS code 515112.

<sup>107</sup> U.S. Census Bureau, *2012 Economic Census of the United States*, Table No. EC1251SSSZ4, *Information: Subject Series - Establishment and Firm Size: Receipts Size of Firms for the United States: 2012 NAICS Code 515112*, [https://factfinder.census.gov/bkmk/table/1.0/en/ECN/2012\\_US/51SSSZ4//naics~515112](https://factfinder.census.gov/bkmk/table/1.0/en/ECN/2012_US/51SSSZ4//naics~515112).

<sup>108</sup> *Id.*

<sup>109</sup> *Amendment of Parts 2 and 25 of the Commission's Rules to Permit Operation of NGSO FSS Systems Co-Frequency with GSO and Terrestrial Systems in the Ku-Band Frequency Range; Amendment of the Commission's Rules to Authorize Subsidiary Terrestrial Use of the 12.2-12.7 GHz Band by Direct Broadcast Satellite Licensees and their Affiliates; and Applications of Broadwave USA, PDC Broadband Corporation, and Satellite Receivers,*

completed an auction of 214 MVDDS licenses (Auction No. 53). In this auction, ten winning bidders won a total of 192 MVDDS licenses.<sup>111</sup> Eight of the ten winning bidders claimed small business status and won 144 of the licenses. The Commission also held an auction of MVDDS licenses on December 7, 2005 (Auction 63). Of the three winning bidders who won 22 licenses, two winning bidders, winning 21 of the licenses, claimed small business status.<sup>112</sup>

38. *Satellite Telecommunications.* This category comprises firms “primarily engaged in providing telecommunications services to other establishments in the telecommunications and broadcasting industries by forwarding and receiving communications signals via a system of satellites or reselling satellite telecommunications.”<sup>113</sup> Satellite telecommunications service providers include satellite and earth station operators. The category has a small business size standard of \$32.5 million or less in average annual receipts, under SBA rules.<sup>114</sup> For this category, U.S. Census Bureau data for 2012 show that there were a total of 333 firms that operated for the entire year.<sup>115</sup> Of this total, 299 firms had annual receipts of less than \$25 million.<sup>116</sup> Consequently, we estimate that the majority of satellite telecommunications providers are small entities.

39. *All Other Telecommunications.* The “All Other Telecommunications” category is comprised of establishments that are primarily engaged in providing specialized telecommunications services, such as satellite tracking, communications telemetry, and radar station operation.<sup>117</sup> This industry also includes establishments primarily engaged in providing satellite terminal stations and associated facilities connected with one or more terrestrial systems and capable of transmitting telecommunications to, and receiving telecommunications from, satellite systems.<sup>118</sup> Establishments providing Internet services or voice over Internet protocol (VoIP) services via client-supplied telecommunications connections are also included in this industry.<sup>119</sup> The SBA has developed a small business size standard for “All Other Telecommunications,” which consists of all such firms with gross annual receipts of \$32.5 million or less.<sup>120</sup> For this category, U.S. Census data for 2012 show that there

(Continued from previous page) \_\_\_\_\_

*Ltd. to Provide A Fixed Service in the 12.2–12.7 GHz Band*, Memorandum Opinion and Order and Second Report and Order, 17 FCC Rcd 9614, 9711, para. 252 (2002).

<sup>110</sup> See Letter from Hector V. Barreto, Administrator, U.S. Small Business Administration, to Margaret W. Wiener, Chief, Auctions and Industry Analysis Division, Wireless Telecommunications Bureau, FCC (Feb. 13, 2002).

<sup>111</sup> See “*Multichannel Video Distribution and Data Service Spectrum Auction Closes; Winning Bidders Announced*,” Public Notice, 19 FCC Rcd 1834 (2004).

<sup>112</sup> See “*Auction of Multichannel Video Distribution and Data Service Licenses Closes; Winning Bidders Announced for Auction No. 63*,” Public Notice, 20 FCC Rcd 19807 (2005).

<sup>113</sup> U.S. Census Bureau, 2017 NAICS Definitions, “517410 Satellite Telecommunications,” <https://www.census.gov/cgi-bin/sssd/naics/naicsrch?input=517410&search=2017+NAICS+Search&search=2017>.

<sup>114</sup> 13 CFR § 121.201, NAICS Code 517410.

<sup>115</sup> U.S. Census Bureau, *2012 Economic Census of the United States*, Table EC1251SSSZ4, *Information: Subject Series - Estab and Firm Size: Receipts Size of Firms for the United States: 2012*, NAICS Code 517410, [https://factfinder.census.gov/bkmk/table/1.0/en/ECN/2012\\_US/51SSSZ4/naics~517410](https://factfinder.census.gov/bkmk/table/1.0/en/ECN/2012_US/51SSSZ4/naics~517410).

<sup>116</sup> *Id.*

<sup>117</sup> See U.S. Census Bureau, 2017 NAICS Definitions, NAICS Code “517919 All Other Telecommunications,” <https://www.census.gov/cgi-bin/sssd/naics/naicsrch?input=517919&search=2017+NAICS+Search&search=2017>.

<sup>118</sup> *Id.*

<sup>119</sup> *Id.*

<sup>120</sup> 13 CFR § 121.201, NAICS Code 517919.

were 1,442 firms that operated for the entire year.<sup>121</sup> Of these firms, a total of 1,400 had gross annual receipts of less than \$25 million and 42 firms had annual receipts of \$25 million to \$49, 999,999.<sup>122</sup> Thus, a majority of “All Other Telecommunications” firms potentially affected by our action can be considered small.

40. *Fixed Microwave Services.* Microwave services include common carrier,<sup>123</sup> private-operational fixed,<sup>124</sup> and broadcast auxiliary radio services.<sup>125</sup> They also include the Local Multipoint Distribution Service (LMDS),<sup>126</sup> the Digital Electronic Message Service (DEMS),<sup>127</sup> the 39 GHz Service (39 GHz),<sup>128</sup> the 24 GHz Service,<sup>129</sup> and the Millimeter Wave Service<sup>130</sup> where licensees can choose between common carrier and non-common carrier status.<sup>131</sup> At present, there are approximately 66,680 common carrier fixed licensees, 69,360 private and public safety operational-fixed licensees, 20,150 broadcast auxiliary radio licensees, 411 LMDS licenses, 33 24 GHz DEMS licenses, 777 39 GHz licenses, and five 24 GHz licenses, and 467 Millimeter Wave licenses in the microwave services.<sup>132</sup> The Commission has not yet defined a small business size standard for microwave services. The closest applicable SBA category is Wireless Telecommunications Carriers (except Satellite) and the appropriate size standard for this category under SBA rules is that such a business is small if it has 1,500 or fewer employees.<sup>133</sup> U.S. Census Bureau data for 2012, show that there were 967 firms in this category that operated for the entire year.<sup>134</sup> Of this total, 955 had employment of 999 or fewer, and 12 firms had employment of 1,000 employees or more. Thus, under this category and the associated small business size standard, the Commission estimates that a majority of fixed microwave service licensees can be considered small.

41. The Commission notes that the number of firms does not necessarily track the number of

---

<sup>121</sup> U.S. Census Bureau, *2012 Economic Census of the United States*, Table EC1251SSSZ4, *Information: Subject Series - Estab and Firm Size: Receipts Size of Firms for the United States: 2012*, NAICS code 517919, [https://factfinder.census.gov/bkmk/table/1.0/en/ECN/2012\\_US/51SSSZ4//naics~517919](https://factfinder.census.gov/bkmk/table/1.0/en/ECN/2012_US/51SSSZ4//naics~517919).

<sup>122</sup> *Id.*

<sup>123</sup> See 47 CFR Part 101, Subpart I.

<sup>124</sup> Persons eligible under parts 80 and 90 of the Commission’s rules can use Private-Operational Fixed Microwave services. See 47 CFR Parts 80 and 90. Stations in this service are called operational-fixed to distinguish them from common carrier and public fixed stations. Only the licensee may use the operational-fixed station, and only for communications related to the licensee’s commercial, industrial, or safety operations.

<sup>125</sup> See 47 CFR Parts 74, 78 (governing Auxiliary Microwave Service) Available to licensees of broadcast stations, cable operators, and to broadcast and cable network entities. Auxiliary microwave stations are used for relaying broadcast television signals from the studio to the transmitter, or between two points such as a main studio and an auxiliary studio. The service also includes TV pickup and CARS pickup, which relay signals from a remote location back to the studio.

<sup>126</sup> See 47 CFR §§ 101, 1001-101, 1017.

<sup>127</sup> See 47 CFR §§ 101, 101.501-101.538.

<sup>128</sup> See 47 CFR Part 101, Subpart N (reserved for Competitive bidding procedures for the 38.6-40 GHz Band).

<sup>129</sup> See *id.*

<sup>130</sup> See 47 CFR §§ 101, 101.1501-101.1527.

<sup>131</sup> See 47 CFR §§ 101.533, 101.1017.

<sup>132</sup> These statistics are based on a review of the Universal Licensing System on September 22, 2015.

<sup>133</sup> 13 CFR § 121.201.

<sup>134</sup> U.S. Census Bureau, *2012 Economic Census of the United States*, Table EC1251SSSZ5, *Information: Subject Series, “Estab and Firm Size: Employment Size of Firms for the U.S.: 2012* NAICS Code 517210, [https://factfinder.census.gov/bkmk/table/1.0/en/ECN/2012\\_US/51SSSZ5//naics~517210](https://factfinder.census.gov/bkmk/table/1.0/en/ECN/2012_US/51SSSZ5//naics~517210).

licensees. The Commission also notes that it does not have data specifying the number of these licensees that have more than 1,500 employees, and thus is unable at this time to estimate with greater precision the number of fixed microwave service licensees that would qualify as small business concerns under the SBA's small business size standard. The Commission estimates however, that virtually all of the Fixed Microwave licensees (excluding broadcast auxiliary licensees) would qualify as small entities under the SBA definition.

42. *Non-Licensee Owners of Towers and Other Infrastructure.* Although at one time most communications towers were owned by the licensee using the tower to provide communications service, many towers are now owned by third-party businesses that do not provide communications services themselves but lease space on their towers to other companies that provide communications services. The Commission's rules require that any entity, including a non-licensee, proposing to construct a tower over 200 feet in height or within the glide slope of an airport must register the tower with the Commission's Antenna Structure Registration ("ASR") system and comply with applicable rules regarding review for impact on the environment and historic properties.

43. As of March 1, 2017, the ASR database includes approximately 122,157 registration records reflecting a "Constructed" status and 13,987 registration records reflecting a "Granted, Not Constructed" status. These figures include both towers registered to licensees and towers registered to non-licensee tower owners. The Commission does not keep information from which we can easily determine how many of these towers are registered to non-licensees or how many non-licensees have registered towers.<sup>135</sup> Regarding towers that do not require ASR registration, we do not collect information as to the number of such towers in use and therefore cannot estimate the number of tower owners that would be subject to the rules on which we seek comment. Moreover, the SBA has not developed a size standard for small businesses in the category "Tower Owners." Therefore, we are unable to determine the number of non-licensee tower owners that are small entities. We believe, however, that when all entities owning 10 or fewer towers and leasing space for collocation are included, non-licensee tower owners number in the thousands. In addition, there may be other non-licensee owners of other wireless infrastructure, including Distributed Antenna Systems (DAS) and small cells that might be affected by the measures on which we seek comment. We do not have any basis for estimating the number of such non-licensee owners that are small entities.

44. The closest applicable SBA category is All Other Telecommunications, and the appropriate size standard consists of all such firms with gross annual receipts of \$32.5 million or less.<sup>136</sup> For this category, U.S. Census data for 2012 show that there were 1,442 firms that operated for the entire year.<sup>137</sup> Of these firms, a total of 1,400 had gross annual receipts of less than \$25 million and 15 firms had annual receipts of \$25 million to \$49, 999,999.<sup>138</sup> Thus, under this SBA size standard a majority of the firms potentially affected by our action can be considered small.

**E. Description of Projected Reporting, Recordkeeping, and Other Compliance Requirements for Small Entities**

45. The *Third Report and Order* does not establish any reporting, recordkeeping, or other

---

<sup>135</sup> We note, however, that approximately 13,000 towers are registered to 10 cellular carriers with 1,000 or more employees.

<sup>136</sup> 13 CFR § 121.201, NAICS Code 517919.

<sup>137</sup> U.S. Census Bureau, *2012 Economic Census of the United States*, Table EC1251SSSZ4, *Information: Subject Series - Estab and Firm Size: Receipts Size of Firms for the United States: 2012*, NAICS code 517919, [https://factfinder.census.gov/bkmk/table/1.0/en/ECN/2012\\_US/51SSSZ4//naics~517919](https://factfinder.census.gov/bkmk/table/1.0/en/ECN/2012_US/51SSSZ4//naics~517919).

<sup>138</sup> *Id.*

compliance requirements for companies involved in wireless infrastructure deployment.<sup>139</sup> In addition to not adopting any reporting, recordkeeping or other compliance requirements, the Commission takes significant steps to reduce regulatory impediments to infrastructure deployment and, therefore, to spur the growth of personal wireless services. Under the Commission's approach, small entities as well as large companies will be assured that their deployment requests will be acted upon within a reasonable period of time and, if their applications are not addressed within the established time frames, applicants may seek injunctive relief granting their siting applications. The Commission, therefore, has taken concrete steps to relieve companies of all sizes of uncertainty and has eliminated unnecessary delays.

46. The *Third Report and Order* also does not impose any reporting or recordkeeping requirements on state and local governments. While some commenters argue that additional shot clock classifications would make the siting process needlessly complex without any proven benefits, the Commission concludes that any additional administrative burden from increasing the number of Section 332 shot clocks from two to four is outweighed by the likely significant benefit of regulatory certainty and the resulting streamlined deployment process.<sup>140</sup> The Commission's actions are consistent with the statutory language of Section 332 and therefore reflect Congressional intent. Further, siting agencies have become more efficient in processing siting applications and will be able to take advantage of these efficiencies in meeting the new shot clocks. As a result, the additional shot clocks that the Commission adopts will foster the deployment of the latest wireless technology and serve consumer interests.

#### **F. Steps Taken to Minimize the Significant Economic Impact on Small Entities, and Significant Alternatives Considered**

47. The RFA requires an agency to describe any significant alternatives that it has considered in reaching its approach, which may include the following four alternatives (among others): “(1) the establishment of differing compliance or reporting requirements or timetables that take into account the resources available to small entities; (2) the clarification, consolidation, or simplification of compliance and reporting requirements under the rule for such small entities; (3) the use of performance rather than design standards; and (4) an exemption from coverage of the rule, or any part thereof, for such small entities.”<sup>141</sup>

48. The steps taken by the Commission in the *Third Report and Order* eliminate regulatory burdens for small entities as well as large companies that are involved with the deployment of personal wireless services infrastructure. By establishing shot clocks and guidance on injunctive relief for personal wireless services infrastructure deployments, the Commission has standardized and streamlined the permitting process. These changes will significantly minimize the economic burden of the siting process on all entities, including small entities, involved in deploying personal wireless services infrastructure. The record shows that permitting delays imposes significant economic and financial burdens on companies with pending wireless infrastructure permits. Eliminating permitting delays will remove the associated cost burdens and enabling significant public interest benefits by speeding up the deployment of personal wireless services and infrastructure. In addition, siting agencies will be able to utilize the efficiencies that they have gained over the years processing siting applications to minimize financial impacts.

49. The Commission considered but did not adopt proposals by commenters to issue “Best Practices” or “Recommended Practices,”<sup>142</sup> and to develop an informal dispute resolution process and

---

<sup>139</sup> See *supra* para. 144.

<sup>140</sup> See *supra* para. 110.

<sup>141</sup> 5 U.S.C. § 603(c)(1)-(4).

<sup>142</sup> KS Rep. Sloan Comments at 2; Nokia Comments at 10.

mediation program,<sup>143</sup> noting that the steps taken in the *Third Report and Order* address the concerns underlying these proposals to facilitate cooperation between parties to reach mutually agreed upon solutions.<sup>144</sup> The Commission anticipates that the changes it has made to the permitting process will provide significant efficiencies in the deployment of personal wireless services facilities and this in turn will benefit all companies, but particularly small entities, that may not have the resources and economies of scale of larger entities to navigate the permitting process. By adopting these changes, the Commission will continue to fulfill its statutory responsibilities, while reducing the burden on small entities by removing unnecessary impediments to the rapid deployment of personal wireless services facilities and infrastructure across the country.

### Report to Congress

<sup>50.</sup> The Commission will send a copy of the *Third Report and Order*, including this FRFA, in a report to Congress pursuant to the Congressional Review Act.<sup>145</sup> In addition, the Commission will send a copy of the *Third Report and Order*, including this FRFA, to the Chief Counsel for Advocacy of the SBA. A copy of the *Third Report and Order* and FRFA (or summaries thereof) also will be published in the *Federal Register*.<sup>146</sup>

---

<sup>143</sup> NATOA *et al.* Comments at 16-17.

<sup>144</sup> *See supra* para. 131.

<sup>145</sup> 5 U.S.C. § 801(a)(1)(A).

<sup>146</sup> 5 U.S.C. § 604(b).

**STATEMENT OF  
CHAIRMAN AJIT PAI**

Re: *Accelerating Wireless Broadband Deployment by Removing Barriers to Infrastructure Investment*, WT Docket No. 17-79; *Accelerating Wireline Broadband Deployment by Removing Barriers to Infrastructure Investment*, WC Docket No. 17-84

Perhaps the defining characteristic of the communications sector over the past decade is that the world is going wireless. The smartphone's introduction in 2007 may have seemed an interesting novelty to some at the time, but it was a precursor of a transformative change in how consumers access and use the Internet. 4G LTE was a key driver in that change.

Today, a new transition is at hand as we enter the era of 5G. At the FCC, we're working hard to ensure that the United States leads the world in developing this next generation of wireless connectivity so that American consumers and our nation's economy enjoy the immense benefits that 5G will bring.

Spectrum policy of course features prominently in our 5G strategy. We're pushing a lot more spectrum into the commercial marketplace. On November 14, for example, our 28 GHz band spectrum auction will begin, and after it ends, our 24 GHz band spectrum auction will start. And in 2019, we plan to auction off three additional spectrum bands.

But all the spectrum in the world won't matter if we don't have the infrastructure needed to carry 5G traffic. New physical infrastructure is vital for success here. That's because 5G networks will depend less on a few large towers and more on numerous small cell deployments—deployments that for the most part don't exist today.

But installing small cells isn't easy, too often because of regulations. There are layers of (sometimes unnecessary and unreasonable) rules that can prevent widespread deployment. At the federal level, we acted earlier this year to modernize our regulations and make our own review process for wireless infrastructure 5G fast. And many states and localities have similarly taken positive steps to reform their own laws and increase the likelihood that their citizens will be able to benefit from 5G networks.

But as this *Order* makes clear, there are outliers that are unreasonably standing in the way of wireless infrastructure deployment. So today, we address regulatory barriers at the local level that are inconsistent with federal law. For instance, big-city taxes on 5G slow down deployment there and also jeopardize the construction of 5G networks in suburbs and rural America. So today, we find that all fees must be non-discriminatory and cost-based. And when a municipality fails to act promptly on applications, it can slow down deployment in many other localities. So we mandate shot clocks for local government review of small wireless infrastructure deployments.

I commend Commissioner Carr for his leadership in developing this *Order*. He worked closely with many state and local officials to understand their needs and to study the policies that have worked at the state and local level. It should therefore come as no surprise that this *Order* has won significant support from mayors, local officials, and state legislators.

To be sure, there are some local governments that don't like this *Order*. They would like to continue extracting as much money as possible in fees from the private sector and forcing companies to navigate a maze of regulatory hurdles in order to deploy wireless infrastructure. But these actions are not only unlawful, they're also short-sighted. They slow the construction of 5G networks and will delay if not prevent the benefits of 5G from reaching American consumers. And let's also be clear about one thing: When you raise the cost of deploying wireless infrastructure, it is those who live in areas where the

investment case is the most marginal—rural areas or lower-income urban areas—who are most at risk of losing out. And I don't want 5G to widen the digital divide; I want 5G to help close that divide.

In conclusion, I'd like to again thank Commissioner Carr for leading this effort and his staff for their diligent work. And I'm grateful to the hardworking staff across the agency who have put many hours into this *Order*. In particular, thanks to Jonathan Campbell, Stacy Ferraro, Garnet Hanly, Leon Jackler, Eli Johnson, Jonathan Lechter, Kate Mataves, Betsy McIntyre, Darrel Pae, Jennifer Salhus, Dana Shaffer, Jiaming Shang, David Sieradzki, Michael Smith, Don Stockdale, Cecilia Sulhoff, Patrick Sun, Suzanne Tetreault, and Joseph Wyer from the Wireless Telecommunications Bureau; Matt Collins, Adam Copeland, Dan Kahn, Deborah Salons, and John Visclosky from the Wireline Competition Bureau; Chana Wilkerson from the Office of Communications Business Opportunities; and Ashley Boizelle, David Horowitz, Tom Johnson, Marcus Maher, Bill Richardson, and Anjali Singh from the Office of General Counsel.



**STATEMENT OF  
COMMISSIONER MICHAEL O'RIELLY**

Re: *Accelerating Wireless Broadband Deployment by Removing Barriers to Infrastructure Investment*, WT Docket No. 17-79; *Accelerating Wireline Broadband Deployment by Removing Barriers to Infrastructure Investment*, WC Docket No. 17-84

I enthusiastically support the intent of today's item and the vast majority of its content, as it will lower the barriers that some localities place to infrastructure siting. By tackling exorbitant fees, ridiculous practices, and prolonged delays, we are taking the necessary steps to expedite deployment and make it more cost efficient. Collectively, these provisions will help facilitate the deployment of 5G and enable providers to expand services throughout our nation, with ultimate beneficiaries being the American people.

While this is a tremendous step in the right direction, there are some things that could have been done to improve the situation further. For instance, the agreement reached by all parties in the 1996 Telecommunications Act was that states and localities would have no role over radio frequency emission issues, could not regulate based on the aesthetics of towers and antennas, and were prohibited from imposing any moratoriums on processing wireless siting applications. State and localities did not honor this agreement and the courts have sadly enabled their efforts via harmful and wrongly decided cases. Accordingly, I would have preferred that the aesthetics related provisions in the item be deleted, but I will have to swallow it recognizing that I can't get the rest without it. At the very least, I do appreciate that, at my request, it was clarified that the aesthetic requirements, which must be published in advance, must be objective.

I am also concerned that by setting application and recurring fees that are presumed to be reasonable, the Commission is inviting localities to adopt these rates, even if they are not cost based. Providers should be explicitly provided the right to challenge these rates if they believe they are not cost based. Even if not stated, I hope that providers will challenge unreasonable rates. I thank my colleagues for agreeing to my edits that the application fee presumption applies to all non-recurring costs, not just the application fee.

Further, I think there should be a process and standards in place if a locality decides that it needs more time to review batched applications. Objective criteria are needed regarding what are considered "exceptional circumstances" or "exceptional cases" warranting a longer review period for batch processing, when localities need to inform the applicant that they need more time, how this notification will occur, and how much time they will get. For instance, the item appears to excuse a locality that does not act within the shot clocks for any application if there are "extraordinary circumstances," but there are no parameters on what circumstances we are envisioning. Is a lack of adequate staff or having processing rules or policies in place a sufficient excuse? Such things should be determined upfront, as opposed to allowing courts to decide such matters. Without further clarity, I fear that we may be creating unnecessary loopholes, resulting in further delay.

Finally, I would have liked today's item to be broader and cover the remaining infrastructure issues in the record. First, the Commission's new interpretation of sections 253 and 332 applies beyond small cells. While our focus has been on these newer technologies, there needs to be a recognition that macro towers will continue to play a crucial role in wireless networks. One tower provider states that "[m]acro cell sites will continue to be a central component of wireless infrastructure . . .," because 80 [percent] of the population lives in suburban or rural areas where "macro sites are the most efficient way

to transmit wireless signals.”<sup>1</sup> Further, many of the interpretations in today’s item apply not only to these macro towers, but also to other telecommunications services, including those provided by traditional wireline carriers and potentially cable companies.

Second, the Commission needs to close loopholes in section 6409 that some localities have been exploiting. While these rules pertaining to the modification of existing structures are clear, some localities are trying to undermine Congress’s intent and our actions. For instance, localities are refusing ancillary permissions, such as building or highway permits, to slow down or prevent siting; using the localities’ concealment and aesthetic additions to increase the size of the facility or requiring that poles be replaced with stealth infrastructure for the purpose of excluding facilities from section 6409; placing improper conditions on permits; and forcing providers to sign agreements that waive their rights under section 6409. And, I have been told that some are claiming that section 6409 does not apply to their siting processes. This must stop. I appreciate the Chairman’s firm commitment to my request for an additional item to address such matters, and I expect that it will be coming in the very near future.

Third, there is a need to harmonize our rules regarding compound expansion. Currently, an entity seeking to replace a structure is allowed to expand the facility’s footprint by 30 feet, but if the same entity seeks to expand the tower area to hold new equipment associated with a collocation, a new review is needed. It doesn’t make sense that these situations are treated differently. And while we are at it, the Commission should also harmonize its shot clocks and remedies. These issues should also be added to any future item.

Lastly, the Commission also must finish its review of the comments filed in response to the twilight towers notice, make the revisions to the program comment, and submit it to Advisory Council on Historic Preservation for their review and vote. These towers are eligible, yet not permitted, to hold an estimated 6,500 collocations that will be needed for next-generation services and FirstNet. It is time to bring this embarrassment, which started in 2001, to an end.

Not only do I thank the Chairman for agreeing to additional infrastructure items, but I also thank the Chairman and Commissioner Carr for implementing several of my edits to the item today. Besides those already mentioned, they include applying the aesthetic criteria, including that any requirements must be reasonable, objective, and published in advance, to undergrounding; stating that undergrounding requirements that apply to some, but not all facilities, will be considered an effective prohibition if they materially inhibit wireless service; and adding similar language to the minimum spacing section of the item. Further, the minimum spacing requirements will not apply to replacement facilities or prevent collocations on existing structures. Additionally, localities claiming that an application is incomplete will need to specifically state what rule requires the submission of the missing information.

With this, I approve.

---

<sup>1</sup> American Tower Ex Parte Letter, WT Docket No. 17-79, n.6 (Aug. 10, 2018).

**STATEMENT OF  
COMMISSIONER BRENDAN CARR**

Re: *Accelerating Wireless Broadband Deployment by Removing Barriers to Infrastructure Investment*, WT Docket No. 17-79; *Accelerating Wireline Broadband Deployment by Removing Barriers to Infrastructure Investment*, WC Docket No. 17-84

The United States is on the cusp of a major upgrade in wireless technology to 5G. The WALL STREET JOURNAL has called it transformative from a technological and economic perspective. And they're right. Winning the global race to 5G—seeing this new platform deployed in the U.S. first—is about economic leadership for the next decade. Those are the stakes, and here's how we know it.

Think back ten years ago when we were on the cusp of upgrading from 3G to 4G. Think about the largest stocks and some of the biggest drivers of our economy. It was big banks and big oil. Fast forward to today: U.S.-based technology companies, from FAANG (Facebook, Apple, Amazon, Netflix, and Google) down to the latest startup, have transformed our economy and our lives.

Think about your own life. A decade ago, catching a ride across town involved calling a phone number, waiting 20 minutes for a cab to arrive, and paying rates that were inaccessible to many people. Today, we have Lyft, Uber, Via, and other options.

A decade ago, sending money meant going to a brick-and-mortar bank, standing in that rope line, getting frustrated when that pen leashed to the table was out of ink (again!), and ultimately conducting your transaction with a teller. Now, with Square, Venmo, and other apps you can send money or deposit checks from anywhere, 24 hours a day.

A decade ago, taking a road trip across the country meant walking into your local AAA office, telling them the stops along your way, and waiting for them to print out a TripTik booklet filled with maps that you would unfold as you drove down the highway. Now, with Google Maps and other apps you get real-time updates and directions right on your smartphone.

American companies led the way in developing these 4G innovations. But it's not by chance or luck that the United States is the world's tech and innovation hub. We have the strongest wireless economy in the world because we won the race to 4G. No country had faster 4G deployment and more intense investment than we did. Winning the race to 4G added \$100 billion to our GDP. It led to \$125 billion in revenue for U.S. companies that could have gone abroad. It grew wireless jobs in the U.S. by 84 percent. And our world-leading 4G networks now support today's \$950 billion app economy. That history should remind policymakers at all levels of government exactly what is at stake. 5G is about our leadership for the next decade.

And being first matters. It determines whether capital will flow here, whether innovators will start their new businesses here, and whether the economy that benefits is the one here. Or as Deloitte put it: "First-adopter countries . . . could sustain more than a decade of competitive advantage."

We're not the only country that wants to be first to 5G. One of our biggest competitors is China. They view 5G as a chance to flip the script. They want to lead the tech sector for the next decade. And they are moving aggressively to deploy the infrastructure needed for 5G.

Since 2015, China has deployed 350,000 cell sites. We've built fewer than 30,000. Right now, China is deploying 460 cell sites a day. That is twelve times our pace. We have to be honest about this infrastructure challenge. The time for empty statements about carrots and sticks is over. We need a concrete plan to close the gap with China and win the race to 5G.

We take this challenge seriously at the FCC. And we are getting the government out of the way, so that the private sector can invest and compete.

In March, we held that small cells should be treated differently than large, 200-foot towers. And we're already seeing results. That decision cut \$1.5 billion in red tape, and one provider reports that it is now clearing small cells for construction at six times the pace as before.

So we're making progress in closing the infrastructure gap with China. But hurdles remain. We've heard from dozens of mayors, local officials, and state lawmakers who get what 5G means—they understand the economic opportunity that comes with it. But they worry that the billions in investment needed to deploy these networks will be consumed by the high fees and long delays imposed by big, “must-serve” cities. They worry that, without federal action, they may not see 5G. I'd like to read from a few of the many comments I've received over the last few months.

Duane Ankney is a retired coal miner from Montana with a handlebar mustache that would be the envy of nearly any hipster today. But more relevantly, he's a Member of the Montana State Legislature and chairs its Energy and Telecommunications Committee. He writes: “Where I see the problem is, that most of investment capital is spent in the larger urban areas. This is primarily due to the high regulatory cost and the cost recovery [that] can be made in those areas. This leaves the rural areas out.”

Mary Whisenand, an Iowa commissioner, writes: “With 99 counties in Iowa, we understand the need to streamline the network buildout process so it's not just the big cities that get 5G but also our small towns. If companies are tied up with delays and high fees, it's going to take that much longer for each and every Iowan to see the next generation of connectivity.”

Ashton Hayward, the Mayor of Pensacola, Florida, writes: “[E]xcessive and arbitrary fees . . . result[] in nothing more than telecom providers being required to spend limited investment dollars on fees as opposed to spending those limited resources on the type of high-speed infrastructure that is so important in our community.”

And the entire board of commissioners from a more rural area in Michigan writes: “Smaller communities such as those located in St. Clair County would benefit by having the [FCC] reduce the costly and unnecessary fees that some larger communities place on small cells as a condition of deployment. These fees, wholly disproportionate to any cost, put communities like ours at an unfair disadvantage. By making small cell deployment less expensive, the FCC will send a clear message that all communities, regardless of size, should share in the benefits of this crucial new technology.”

They're right. When I think about success—when I think about winning the race to 5G—the finish line is not the moment we see next-gen deployments in New York or San Francisco. Success can only be achieved when all Americans, no matter where they live, have a fair shot at fast, affordable broadband.

So today, we build on the smart infrastructure policies championed by state and local leaders. We ensure that no city is subsidizing 5G. We prevent excessive fees that would threaten 5G deployment. And we update our shot clocks to account for new small cell deployments. I want to thank Commissioner Rosenworcel for improving the new shot clocks with edits that protect municipalities from providers that submit incomplete applications and provide localities with more time to adjust their operations. Her ideas improved this portion of the order.

More broadly, our decision today has benefited from the diverse views expressed by a range of stakeholders. On the local government side, I met with mayors, city planners, and other officials in their home communities and learned from their perspectives. They pushed back on the proposed “deemed

granted” remedy, on regulating rents on their property outside of rights-of-way, and on limits to reasonable aesthetic reviews. They reminded me that they’re the ones that get pulled aside at the grocery store when an unsightly small cell goes up. Their views carried the day on all of those points. And our approach respects the compromises reached in state legislatures around the country by not preempting nearly any of the provisions in the 20 state level small cells bills.

This is a balanced approach that will help speed the deployment of 5G. Right now, there is a cottage industry of consultants spurring lawsuits and disputes in courtrooms and city halls around the country over the scope of Sections 253 and 332. With this decision, we provide clear and updated guidance, which will eliminate the uncertainty inspiring much of that litigation.

Some have also argued that we unduly limit local aesthetic reviews. But allowing reasonable aesthetic reviews—and thus only preventing unreasonable ones—does not strike me as a claim worth lodging.

And some have asked whether this reform will make a real difference in speeding 5G deployment and closing the digital divide. The answer is yes. It will cut \$2 billion in red tape. That’s about \$8,000 in savings per small cell. Cutting these costs changes the prospects for communities that might otherwise get left behind. It will stimulate \$2.4 billion in new small cell deployments. That will cover 1.8 million more homes and businesses—97% of which are in rural and suburban communities. That is more broadband for more Americans.

\* \* \*

In closing, I want to thank my colleagues for working to put these ideas in place. I want to thank Chairman Pai for his leadership in removing these regulatory barriers. And I want to recognize the exceptionally hard-working team at the FCC that helped lead this effort, including, in the Wireless Telecommunications Bureau, Donald Stockdale, Suzanne Tetrault, Garnet Hanly, Jonathan Campbell, Stacy Ferraro, Leon Jackler, Eli Johnson, Jonathan Lechter, Marcus Maher, Betsy McIntyre, Darrel Pae, Jennifer Salhus, Jiaming Shang, and David Sieradzki. I also want to thank the team in the Office of General Counsel, including Tom Johnson, Ashley Boizelle, Bill Richardson, and Anjali Singh.

**STATEMENT OF  
COMMISSIONER JESSICA ROSENWORCEL  
APPROVING IN PART, DISSENTING IN PART**

Re: *Accelerating Wireless Broadband Deployment by Removing Barriers to Infrastructure Investment*, WT Docket No. 17-79; *Accelerating Wireline Broadband Deployment by Removing Barriers to Infrastructure Investment*, WC Docket No. 17-84

A few years ago, in a speech at a University of Colorado event, I called on the Federal Communications Commission to start a proceeding on wireless infrastructure reform. I suggested that if we want broad economic growth and widespread mobile opportunity, we need to avoid unnecessary delays in the state and local approval process. That's because they can slow deployment.

I believed that then. I still believe it now.

So when the FCC kicked off a rulemaking on wireless infrastructure last year, I had hopes. I hoped we could provide a way to encourage streamlined service deployment nationwide. I hoped we could acknowledge that we have a long tradition of local control in this country but also recognize more uniform policies across the country will help us in the global race to build the next generation of wireless service, known as 5G. Above all, I hoped we could speed infrastructure deployment by recognizing the best way to do so is to treat cities and states as our partners.

In one respect, today's order is consistent with that vision. We shorten the time frames permitted under the law for state and local review of the deployment of small cells—an essential part of 5G networks. I think this is the right thing to do because the shot clocks we have now were designed in an earlier era for much bigger wireless facilities. At the same time, we retain the right of state and local authorities to pursue court remedies under Section 332 of the Communications Act. This strikes an appropriate balance. I appreciate that my colleagues were willing to work with me to ensure that localities have time to update their processes to accommodate these new deadlines and that they are not unfairly prejudiced by incomplete applications. I support this aspect of today's order.

But in the remainder of this decision, my hopes did not pan out. Instead of working with our state and local partners to speed the way to 5G deployment, we cut them out. We tell them that going forward Washington will make choices for them—about which fees are permissible and which are not, about what aesthetic choices are viable and which are not, with complete disregard for the fact that these infrastructure decisions do not work the same in New York, New York and New York, Iowa. So it comes down to this: three unelected officials on this dais are telling state and local leaders all across the country what they can and cannot do in their own backyards. This is extraordinary federal overreach.

I do not believe the law permits Washington to run roughshod over state and local authority like this and I worry the litigation that follows will only slow our 5G future. For starters, the Tenth Amendment reserves powers to the states that are not expressly granted to the federal government. In other words, the constitution sets up a system of dual sovereignty that informs all of our laws. To this end, Section 253 balances the interests of state and local authorities with this agency's responsibility to expand the reach of communications service. While Section 253(a) is concerned with state and local requirements that may prohibit or effectively prohibit service, Section 253(d) permits preemption only on a case-by-case basis after notice and comment. We do not do that here. Moreover, the assertion that fees above cost or local aesthetic requirements in a single city are tantamount to a service prohibition elsewhere stretches the statute beyond what Congress intended and legal precedent affords.

In addition, this decision irresponsibly interferes with existing agreements and ongoing deployment across the country. There are thousands of cities and towns with agreements for infrastructure deployment—including 5G wireless facilities—that were negotiated in good faith. So

many of them could be torn apart by our actions here. If we want to encourage investment, upending commitments made in binding contracts is a curious way to go.

Take San Jose, California. Earlier this year it entered into agreements with three providers for the largest small cell-driven broadband deployment of any city in the United States. These partnerships would lead to 4,000 small cells on city-owned light poles and more than \$500 million of private sector investment. Or take Little Rock, Arkansas, where local reforms to the permitting process have put it on course to become one of the first cities to benefit from 5G service. Or take Troy, Ohio. This town of under 26,000 spent time and energy to develop streamlined procedures to govern the placement, installation, and maintenance of small cell facilities in the community. Or take Austin, Texas. It has been experimenting with smart city initiatives to improve transportation and housing availability. As part of this broader effort, it started a pilot project to deploy small cells and has secured agreements with multiple providers.

This declaratory ruling has the power to undermine these agreements—and countless more just like them. In fact, too many municipalities to count—from Omaha to Overland Park, Cincinnati to Chicago and Los Angeles to Louisville—have called on the FCC to halt this federal invasion of local authority. The National Governors Association and National Conference of State Legislatures have asked us to stop before doing this damage. This sentiment is shared by the United States Conference of Mayors, National League of Cities, National Association of Counties, and Government Finance Officers Association. In other words, every major state and municipal organization has expressed concern about how Washington is seeking to assert national control over local infrastructure choices and stripping local elected officials and the citizens they represent of a voice in the process.

Yet cities and states are told to not worry because with these national policies wireless providers will save as much as \$2 billion in costs which will spur deployment in rural areas. But comb through the text of this decision. You will not find a single commitment made to providing more service in remote communities. Look for any statements made to Wall Street. Not one wireless carrier has said that this action will result in a change in its capital expenditures in rural areas. As Ronald Reagan famously said, “trust but verify.” You can try to find it here, but there is no verification. That’s because the hard economics of rural deployment do not change with this decision. Moreover, the asserted \$2 billion in cost savings represents no more than 1 percent of investment needed for next-generation networks.

It didn’t have to be this way. So let me offer three ideas to consider going forward.

First, we need to acknowledge we have a history of local control in this country but also recognize that more uniform policies can help us be first to the future. Here’s an idea: Let’s flip the script and build a new framework. We can start with developing model codes for small cell and 5G deployment—but we need to make sure they are supported by a wide range of industry and state and local officials. Then we need to review every policy and program—from universal service to grants and low-cost loans at the Department of Commerce, Department of Agriculture, and Department of Transportation and build in incentives to use these models. In the process, we can create a more common set of practices nationwide. But to do so, we would use carrots instead of sticks.

Second, this agency needs to own up to the impact of our trade policies on 5G deployment. In this decision we go on at length about the cost of local review but are eerily silent when it comes to the consequences of new national tariffs on network deployment. As a result of our escalating trade war with China, by the end of this year we will have a 25 percent duty on antennas, switches, and routers—the essential network facilities needed for 5G deployment. That’s a real cost and there is no doubt it will diminish our ability to lead the world in the deployment of 5G.

Finally, in this decision the FCC treats the challenge of small cell deployment with a bias toward more regulation from Washington rather than more creative marketplace solutions. But what if instead we focused our efforts on correcting the market failure at issue? What if instead of micromanaging costs we fostered competition? One innovative way to do this involves dusting off our 20-year old over-the-air-reception-device rules, or OTARD rules.

Let me explain. The FCC's OTARD rules were designed to protect homeowners and renters from laws that restricted their ability to set up television and broadcast antennas on private property. In most cases they accomplished this by providing a right to install equipment on property you control—and this equipment for video reception was roughly the size of a pizza box.

Today OTARD rules do not contemplate 5G deployment and small cells. But we could change that by clarifying our rules. If we did, a lot of benefits would follow. By creating more siting options for small cells, we would put competitive pressure on public rights-of-way, which could bring down fees through competition instead of the government ratemaking my colleagues offer here. Moreover, this approach would create more opportunities for rural deployment by giving providers more siting and backhaul options and creating new use cases for signal boosters. Add this up and you get more competitive, more ubiquitous, and less costly 5G deployment.

We don't explore these market-based alternatives in today's decision. We don't say a thing about the real costs that tariffs impose on our efforts at 5G leadership. And we don't consider creative incentive-based systems to foster deployment, especially in rural areas.

But above all we neglect the opportunity to recognize what is fundamental: if we want to speed the way for 5G service we need to work with cities and states across the country because they are our partners. For this reason, in critical part, I dissent.



# **Hermosa Beach Wireless Facilities in Public Right of Way Ordinance & Design Standards**

**Lauren Langer, Assistant City Attorney**

**Gail A. Karish, Partner**

**Best Best & Krieger LLP**

**1/8/19 AGENDA, ITEM 5a - WIRELESS COMMUNICATION FACILITIES**

**SUPPLEMENTAL POWERPOINT PRESENTATION SUBMITTED TO THE CITY MANAGER'S OFFICE ON 1/8/19 AT 7:00 P.M.**

# Why do we need an ordinance?

- Tremendous demand for wireless services → increased interest to locate in the Public Right of Way (PROW)
  - Streaming videos, multiple devices, internet of things, smart city apps, autonomous vehicles, etc.
- Hermosa's code is outdated and ambiguous as to whether PROW is included in prohibition in residential zones
- Carriers need different types of capacity and coverage
  - Small cells fill in the gaps left by macro facilities

# Illustration of How Wireless Systems Function

The City Ordinance is ONLY Related to Small Wireless Facilities (including oDAS) in the Right of Way (ROW)



**Topography:** If an area is very hilly, more sites are needed to cover the area since there is shadowing from terrain. Consider how a hill blocks the sun's rays at sunset.



**Distribution of demand:**  
In more dense traffic and population areas, we also need to have more sites in order to provide the necessary capacity.

# Why do we need an ordinance?

- Need to make locations available in the city
- Since so much is residential, PROW is a great solution that is in line with carriers technology- small cells
- City Council directed staff to prepare an ordinance allowing small cells in the PROW- end of 2017.
  - Small cells in PROW are preferable
  - Less intrusive scale, lower output and allows distribution throughout the city

# Recap on regulatory situation for local governments



Local governments mainly regulate **placement** and **aesthetics** (within limits). Decisions must comply with limits in state and federal law, e.g. be based on substantial evidence and cannot effectively prohibit service.



Wireless providers and telephone companies have a limited right to use the **public rights-of-way** and **utility infrastructure** for their facilities.



CPUC mainly responsible for rules on **safety of infrastructure**.



FCC small cell order puts **new limits** on local time for review and on aesthetic rules, among other things.

# Local Regulatory Authority for Small Cells

- Cities mainly regulate placement and aesthetics (within limits).
  - Shall not incommode the public use of the PROW (safety, aesthetic, etc.)
  - Reasonable control over time, place and manner in which PROW is accessed
- City can't "effectively prohibit" wireless service by materially inhibiting providers ability to provide service (filling serving gaps, introduces new services, densifying capacity).
- FCC small cell order puts new limits on local time for review and on aesthetic rules, among other things.

# Recap of Small Cell Order-

- Establishes shorter shot clocks for processing “small wireless facilities” applications- 60 days or 90 days
- Clarifies that all required authorizations included in shot clocks
- Clarifies definition of “collocation”
- Redefines “effective prohibition” standard
- Establishes test for permitted fees, and sets out presumptively reasonable one-time and recurring fees, including for permits, for use of PROW and for use of government property located in PROW
- Establishes test for permitted aesthetic, undergrounding and spacing standards

# Aesthetic Regulation

- FCC states requirements must be:
  - *Reasonable* (“technically feasible and reasonably directed to avoiding or remedying the intangible public harm of unsightly or out-of-character deployments”)
  - *No more burdensome than those applied to other types of infrastructure deployments* (treat similar installations the same way)
  - *Objective and published in advance* (“clearly-defined and ascertainable standards applied in a principled manner”)



# Aesthetic Regulation

## EXAMPLES

- Location
  - protecting historic, cultural and scenic resources.
- Camouflaging
  - colors, painting, concealment, so long as required of other similar infrastructure as well.
- Height & Size
  - presumably ok so long as technically feasible and required of other similar infrastructure as well (but note FCC definition of small wireless facility has height and size components)

# Approach to Update of Wireless Ordinance

- **Create a permitting process by ordinance that reflects the new and ever changing technology**
- **Provide Flexibility** (recognizing that deployments and technology will evolve over time, allow City to respond more nimbly)
  - City will establish design standards by resolution
  - As technology changes, City Council can more easily revise the standards
  - Director of Public Works can implement administrative regulations to manage the program
- **Reasonably Comply with FCC Order** (the FCC Order has ambiguities which require some judgements as to appropriate interpretations)

---

# Major Provisions in Wireless Ordinance

## Definitions

- Intended to be consistent with FCC Order

## Scope

- Applies to small cell in PROW
- Existing illegal or unpermitted facilities must come in for a permit

## Administration

- Director of Public Works administers the Chapter and processes applications

## Appeal

- Decisions can be appealed to a Hearing Officer (2 business day period to comply with shot clock)

---

# Major Provisions in Wireless Ordinance

## **Minimum Standards to guide deployment**

- Specifics set out in the separate design standards

## **Application Requirements**

## **Public Noticing**

- Per CC Direction- notice provided to owners and occupants within 300 feet

## **Findings for Approval**

---

# Major Provisions in Wireless Ordinance

## Conditions of Approval

- Permit Duration – 10 Years, which is authorized under state law
- Once approved, construction within one year
- Operation Commenced within 90 days
- City may enter and support, repair, disable or remove in an emergency
- Insurance and Indemnification
- Performance Bond for removal of facility
- General Maintenance
- Abandonment if not operated for a continuous period of 6 months
- Encouraging co-location

---

# Major Provisions in Design Standards

- Meeting with applicant to walk through standards and proposal and issue spot at the beginning
- Height
  - Located no higher than 10% or 10 feet higher (whichever is greater) to adjacent zoning district
  - Encouraged to be as small, short and unobtrusive as possible
    - Tradeoff is that carriers may need *more* locations
- Camouflage and concealment requirements

# Major Provisions in Draft Design Standards

## ■ Locations

- On existing or replacement infrastructure such as street lights and utility poles
- Alleys- place above roof line
- Walk Streets- placed below roofline
- If possible, locate between structures rather than next to them
- New tower only available when all existing and replacement options have been exhausted
- Monopalms and artificial trees prohibited

---

# Major Provisions in Draft Design Standards

- Antennas small, short and unobtrusive as possible
- Accessory equipment enclosed in replacement poles or underground where feasible
- Electric meters, vaults and fans underground where feasible
- Lighting prohibited (unless required by FAA)
- Very limited signage
- Landscaping required around any ground mounted equipment
- Cabling and wiring should run internally
- Can't use historic structures or decorative street lights



# Major Provisions in Draft Design Standards

- On street lights, equipment shall be in pole-top shrouds and tubular or cyclical form
- Utility poles
  - Equipment should match the color of the pole and be narrow
  - Equipment should be stacked close together on the same side of the pole
- Replacement Poles
  - Should be in the same location as the pole being replaced, unless doesn't meet standards and then shall be relocated to meet standards
- New Poles
  - New poles authorized when waiver required under 12.18.060(b) because denial would effectively prohibit service
  - New pole must function for a purpose other than a wireless facility (light, utility pole)
  - Must match dimensions and design of similar types of poles in the area

City of Hermosa Beach Sample Street Light Poles, Utility Poles and Traffic Signals (Prohibited and Allowed)



Prohibited on decorative street light poles



Allowed on standard street light poles



Prohibited on all traffic signals



Allowed on utility poles extending above adjacent buildings

### Prohibited Wireless Facility Designs on Utility Poles



Exposed cables and antennas not painted to match pole



Bulky equipment not flush mounted or painted to match pole

### Allowed Wireless Facility Designs on Utility Poles



Cables are flush mounted and all equipment is painted to match pole



Cables and equipment are flush mounted and painted to match pole

## Prohibited Wireless Facility Designs on Street Lights



Exposed slack on cables and bulky equipment



## Allowed Wireless Facility Designs on Street Lights



Lineal designed equipment and flush mounted on pole with colors to match pole

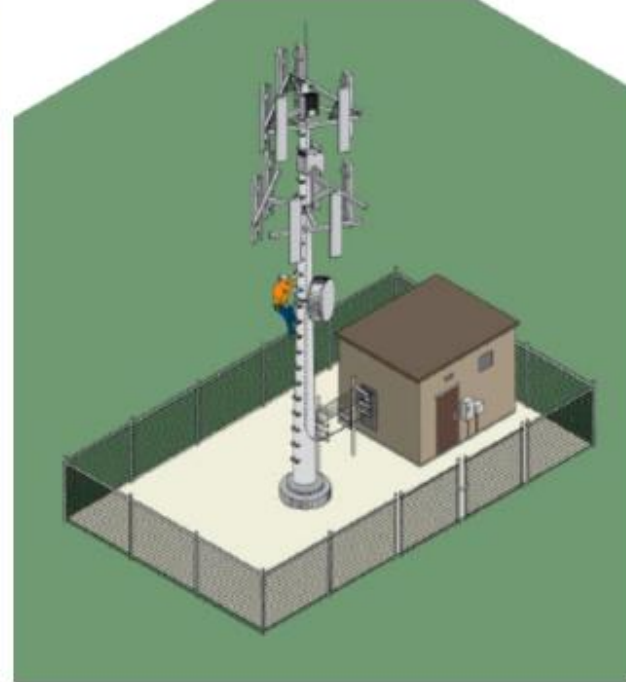


The Ordinance is NOT Related to the Following Types of Wireless Facilities

Cell on Wheels (COW)



Macro Cell Sites



# Recommended Changes to Ordinance

- Section 12.18.020 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 ROW of the City adjacent to all zoning districts consistent with the City's obligation to promote the public health, safety, and welfare, to manage the ROW, and to ensure that the use and enjoyment of the ROW is not inconvenienced by the use of the ROW 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 ROW. This Ordinance shall be interpreted consistent with those provisions.

# Recommended Changes to Ordinance

- Section 12.18.070 Applications.

b) Content. An application must contain:

3) The name of the owner of the structure, if different from the applicant, and ~~a signed and notarized~~ proof of owner's authorization for use of the structure

6) A copy of the lease or other agreement between the applicant and the owner of the property to which the proposed facility will be attached. Proprietary information may be redacted.

# Recommended Changes to Ordinance

- Section 12.18.070 Applications.

e) ~~Rejection for Incompleteness.~~ Wireless facility applications will be processed, and notices of incompleteness provided, in conformity with State, local, and Federal law. If such an application is incomplete, ~~it may be rejected by the Director by~~ may ~~notifying~~ the applicant and specifying the material omitted from the application.



# Recommended Changes to Ordinance

- Section 12.18.090 Conditions of Approval.

3) Timing of Installation. The installation and construction authorized by a wireless encroachment permit shall begin within one (1) year after its approval, or it will expire without further action by the City. The installation and construction authorized by a wireless encroachment permit shall conclude, including any necessary post-installation repairs and/or restoration to the ROW, within ~~thirty (30)~~ ninety (90) days following the day construction commenced.

# Recommended Changes to Ordinance

- Section 12.18.090 Conditions of Approval.

(4) Commencement of Operations. The operation of the approved facility shall commence no later than ~~ninety (90)~~ one hundred and eighty (180) days after the completion of installation, or the wireless encroachment permit will expire without further action by the City. The Permittee shall provide Director notice that operations have commenced by the same date.

---

# Recommended Steps

- Introduce ordinance on first reading as revised
- Staff will review comments from wireless companies on the Design Standards and bring back a revised version for approval on consent at a future meeting
- Staff will bring back at a future date a permit fee and proposed master lease agreement for city facilities

Questions?

*Submitted  
by Joe  
Ambrioso  
at mtg  
1/8/19*

UDC 612.014.424.5

BIOLOGICAL EFFECT OF MILLIMETER RADIOWAVES

Kiev VRACHEBNOYE DELO in Russian No 3, 1977 pp 116-119

[Article by N. P. Zalyubovskaya, Khar'kov Scientific Research Institute of Microbiology, Vaccines and Sera imeni Mechnikov]

[Text] Morphological, functional and biochemical studies conducted in humans and animals revealed that millimeter waves caused changes in the body manifested in structural alterations in the skin and internal organs, qualitative and quantitative changes of the blood and bone marrow composition and changes of the conditioned reflex activity, tissue respiration, activity of enzymes participating in the processes of tissue respiration and nucleic metabolism. The degree of unfavorable effect of millimeter waves depended on the duration of the radiation and individual characteristics of the organism.

The ubiquitous propagation of radiowaves, radio broadcasting and television is contributing to the appearance of a new physical factor -- electromagnetic waves of the radio-frequency range. In recent years it has been established that radiowaves of different ranges have an unfavorable influence on the organism. The literature data (A. G. Subbota, 1970; N. V. Tyagin, 1971; B. A. Chukhlovin, 1973; M. I. Yakovleva, 1973; Yu. D. Dumanskiy et al, 1975) testify that long stay in conditions of the effect of radiowaves (the dm and cm ranges) leads to change of the functions of the nervous, cardiovascular and other systems of the organism, with the development of a characteristic complex of symptoms which permit speaking of a special nosological form of disease -- radiowave disease (M. N. Sadchikova, 1973). However, in the literature there is almost no information about the biological effect of radio frequencies of the millimeter range, although that range is widely used in technology and the question of its biological activity has acquired special urgency.

The goal of the present investigations consisted in study of the physiological and biochemical processes lying at the basis of the changes which occur in animals as a result of the effect of radiowaves in the range of 5-8 mm, at a density of the flow of power of 1 milliwatt/cm<sup>2</sup>. The investigations were conducted on rats of the Wistar line and mice of the CBA line, irradiated for 15 minutes daily in the course of 60 days in the volume resonator of an experimental installation working on the basis of a type OV-12 generator.

17  
GOVERNMENT USE ONLY

Study of the morphological, functional and biochemical indicators, which play an essential role in the formation of reactions of the organism, disclosed various disorders in the experimental animals.

As is known, the energy of millimeter waves, because of its weak penetrating ability, is absorbed primarily and mainly by the skin. Our investigations have shown that in the skin of irradiated animals deformation of the receptor apparatus and well-expressed changes of a reactive character were observed. In the skin layer properly speaking appeared bunches of nerve fibers with hypertrophy of a portion of the fiber and sections with demyelination. In the dermis, among the collagen fibers were small trunks of various thickness, the neural conductors of which were fragmented in separate cases, and phenomena of demyelination were observed in the surface layers.

As the results of histomorphological analysis showed, in the functionally active structures of tissue of the myocardium, liver, kidneys and spleen disorders of the hemodynamics were established, with disruption of the permeability of the vesicular membranes, the appearance of micronecroses and subsequent tissue dystrophy. Moreover, qualitative and quantitative shifts were revealed in the erythrocytic and leukocytic composition of the blood of irradiated animals, indicating suppression of the hemopoietic function of the bone marrow and lymphatic system. Noted in the composition of the red blood was eosinophilia, neutrophilia and lymphopenia, and lowering of the hemoglobin level and reduction of the number of erythrocytes were observed, which was determined to a considerable degree by the retention of erythrocytes in the bone marrow. In the latter occurred an increase of the number of erythroblastic cells and decrease of cells of the leukoblastic series.

Under the effect of millimeter waves of low intensity the degree of affection depends on the general condition of the organism and evidently is not so great, as the observed disorders are in the main reversible.

A characteristic feature of the biological effect of radiowaves was changes of the state of various sections of the central and vegetative nervous systems which involve directly or indirectly disorders of the principal functions of the organisms (M. I. Yakovlev, 1973).

As a result of investigations conducted by us on animals irradiated with millimeter waves, disorders of conditioned reflex activity have been established: weakening of the stimulatory process, reduction of the size of the latent period in response to different conditioned stimuli (light, noise or pain) and disinhibition of differentiation reactions. Disorders of the stimulatory and inhibitory processes displayed in animals during the repeated effects of millimeter radiowaves can be considered suppression of the function of the central nervous system, although the developed inhibition can be linked with protective-compensatory reaction of the organism in response to irradiation.

In the blood plasma of irradiated animals the content of 17-oxycorticosteroids increased ( $22.64 \pm 2.18$  mkg per 100 ml of plasma of the irradiated and  $14.98 \pm 2.01$  mkg of the unirradiated). Along with that, in the adrenal cortex of

GOVERNMENT USE ONLY

rats irradiated by millimeter waves the ascorbic acid level dropped 3%. The functional changes established in the content of 17-ocs in the blood plasma and of ascorbic acid in the adrenal cortex of irradiated animals indicate the influence of millimeter radiowaves on the central components of the hypothalamus-hypophysis system -- the adrenal glands with involvement of a number of humoral components.

The conducted investigations showed that in animals subjected to the effect of millimeter radiowaves there was a variation of the content and ratio of catecholamines: in the blood the concentration increased, in the hypothalamus the adrenaline content increased and the noradrenaline level dropped, in the cerebral cortex there was a slight redistribution of catecholamines, in the adrenal glands the adrenaline content doubled and the noradrenaline level dropped by 11% in comparison with that in unirradiated animals. The adrenaline concentration in the adrenal glands remained elevated by 60% 10 days after the irradiation ceased. The obtained results indicate well-expressed changes of metabolism of catecholamines under the influence of millimeter waves both in the hormonal and in the sympathetic components of the sympathetic-adrenal system and also reflect changes of the functional activity of its hormonal and mediator components.

The main mass of the energy in tissues and organs of animal organisms, as is known, is released during the biological oxidation of organic substances, in which case the greater part of it is accumulated in the form of macroergs. The processes of bioenergetics, occurring mainly in the mitochondria with the direct participation of respiratory enzymes which accomplish the terminal stage of biological oxidation, are of universal importance and assure the functional activity of organs and tissues, the synthesis of proteins and nucleic acids, the formation of some intermediate products of exchange, etc.

The conducted investigations showed that the irradiation of animals by millimeter waves caused changes of the processes of oxidative phosphorylation in the liver, kidneys, heart and brain of the animals. The irradiation inhibited the oxygen consumption rate by the mitochondria of those organs in the active phosphorylating state and slowed down the rate of respiration upon exhaustion of the ATP. In the liver and kidneys of irradiated animals the intensity of phosphorylation decreased by 64%, the values of the respiratory controls decreased by 26 and 28% respectively and the changes were less expressed in the heart and brain.

The established disorders of the process of conjugate oxidative phosphorylation in the mitochondria of irradiated animals testify to suppression of energy exchange and can be a result of changes occurring in the electron transport chain. The expressed hypothesis was confirmed by the results of investigations of the activity of enzymes participating in the processes of tissue respiration. In the mitochondria of the livers of irradiated animals the succinate dehydrogenase activity increased by 34% and the cytochromoxidase activity decreased by 37%. Those data testify to destruction of the cytochrome chain.

20  
GOVERNMENT USE ONLY

GOVERNMENT USE ONLY

Very essential in the system of enzymes of cell energy supply is the role of the ATPases regulating the processes of formation and use of the energy of macroergs (V. P. Skulachev, 1969). The conducted investigations revealed in the mitochondria of the livers of irradiated animals an increase of ATPase activity by 63% as compared with similar indicators for the unirradiated. In that case in the liver and spleen of animals irradiated many times by millimeter waves there was a decrease of the content of adenyl nucleotides by 61 and 68% respectively.

Investigation of the influence of millimeter waves on the state of nucleic exchange showed that in the liver, spleen, kidneys, lungs and heart there was a reduction of the content of nucleic acids and suppression of the rate of  $^{14}\text{C}$ -thymidine in DNA and  $^{14}\text{C}$ -uridine in RNA. In a comparison of the results of quantitative determination of nucleic acids it was established that the rate of inclusion of the predecessor in RNA and its content in the organs changes less than the DNA. The change of the nucleic acids concentration was more expressed in the liver, spleen and kidneys than in the heart and lungs. Together with reduction of the nucleic acids content, the quantity of acid-soluble products in the liver and spleen of irradiated animals increased by 35 and 43% and the activity of ribonuclease and DNAase increased 50%.

Under the influence of radiowaves the protein spectrum of the blood serum changed (the albumin content decreased and the number of globulins increased, which led to decrease of the value of the albumin-globulin coefficient) and the number of free amino acids decreased by 22%. An indicator of the reduced level of protein synthesis in the irradiated animals also was the established reduction of the rate of inclusion of  $^{14}\text{C}$ -methionine in proteins of the liver, spleen, lymph nodes and thymus. The presented data testify to substantial changes in the protein metabolism which occur under the influence of multiple irradiation of animals by millimeter radiowaves. Evidently the reduction of the general energy level occurring in the organism under the influence of millimeter radiowaves had an effect on the formation of macroergs and caused a suppression of all functions of the organism, including suppression of synthetic processes but especially of nucleoprotein metabolism, which is very energy-consuming.

The conducted experimental investigations were compared with observations of the state of health of 97 persons working with generators of the millimeter range on the basis of systematic conducting of biochemical analyses. The obtained data confirmed the existence of an influence of radiowaves on the state of metabolic processes in the organism, in particular, changes of the indicators of protein and carbohydrate metabolism were revealed and disturbances of the indicators of immuno-biological reactivity and of the blood system were established.

Thus the conducted investigations indicate high biological activity and an unfavorable influence of millimeter radiowaves on the organism. The expressiveness of the biological reactions increased with increase of the period of irradiation and depended on individual characteristics of the organism.

60

GOVERNMENT USE ONLY

BIBLIOGRAPHY

1. Dumanskiy, Yu. D., Serdyuk, A. M., and Los', I. P. "Vliyaniye elektromagnitnykh poley radiochastot na cheloveka" [Influence of Electromagnetic Fields of Radio Frequencies on Man]. Kiev, 1975.
2. Sadchikova, M. N. In: "Biologicheskiye efekty mikrovoln i ugroza zdorov'yu" [Biological Effects of Microwaves and Threat to the Health]. Warsaw, 1973.
3. Skulachov, V. P. "Akkumulyatsiya energii v kletke" [Energy Accumulation in the Cell]. Moscow, 1969.
4. Subbota, A. G. In: "Vliyaniye SVCh-izlucheniya na organizm cheloveka i zhiivotnykh" [Influence of Superhigh Frequency Radiations on the Organisms of Man and Animals]. Leningrad, 1970.
5. Tyagin, N. V. "Klinicheskiye aspekty oblucheniya SVCh-diapazona" [Clinical Aspects of Radiation of the Superhigh Frequency Range]. Leningrad, 1971.
6. Chukhlovin, B. N. In: "Mediko-biologicheskiye problemy SVCh-izlucheniya" [Medical and Biological Problems of Superhigh Frequency Radiations]. Leningrad, 1966.
7. Yakovleva, M. I. "Fiziologicheskiye mekhanizmy deystviya elektromagnitnykh poley" [Physiological Mechanism of the Effect of Electromagnetic Fields]. Leningrad, 1973.

COPYRIGHT: Vrachebnoye Delo 1977

2174  
CSO: 1870



UDC 911.3:(616-02:613.16)

EFFECT OF THE EARTH'S MAGNETIC FIELD ON SOME REGULATORY FUNCTIONS IN HEALTHY PERSONS

Moscow REFERATIVNYY ZHURNAL, MEDITSINSKAYA GEOGRAFIYA in Russian No 3, 1976  
Abstract No 3.36.36 by K. Murav'yeva

[Text] A physiological-mathematical model and correlation analysis combine with a determination of general parameters were used to evaluate the effect of external physical factors on the physiological indices in healthy persons and to evaluate noreotropic reactions. The changes in regulatory functions of man in the course of adaptation to conditions in the European North are especially great in winter. A close, nonlinear correlation was detected between changes in the earth's magnetic field and fluctuations in the excretion of 17-ketosteroids and weighted mean skin temperature. Table.

COPYRIGHT: VINITI, 1977

S214  
CSO: 1840

62  
GOVERNMENT USE ONLY

GOVERNMENT USE ONLY

UDC 911.3:(616-02:613.16)

## HELIOGEOMAGNETIC AND METEOROLOGICAL FACTORS IN THE PROCESS OF ADAPTATION

Moscow REFERATIVNYI ZHURNAL, MEDITSINSKAYA GEOGRAFIYA in Russian No 3, 1976  
 Abstract No 3.36.35 by K. Murav'yeva

[Text] The authors propose a program of research--entitled "Adaptation and the Life-Support System"--on human adaptation to unfavorable natural conditions in the area where the Baykal-Amur Railway is under construction. The external factors that act on the body are subdivided into adequate, corresponding to the phenogenotypic properties of the body, and inadequate. Adaptive reactions arise in response to external factors: adaptation syndrome and breakdown of adaptation with different outcomes. It is suggested that mathematical models of the functioning of the body as a whole or of its individual systems be regarded as a standard. The heliogeo-meteorological factors are among the constituents of the life-support system of the region. Climatic conditions in the area of the Baykal-Amur Railway are inadequate for people coming from the European USSR. The characteristics of the constituents of the meteorological regime include calculation of the means, their errors, standard deviations, and coefficient of variation. The weather complex is judged either by Osokin's formula or by the Fedorov-Chubukov method. A comparison of weather evaluations with the physiological functions of individual groups of people is used to construct physiological-mathematical models that could help to predict the health of the people living in the given region. It is suggested that the following be determined in order to define the role of individual factors in altering the physiological functions of the body: (i) "threshold" of force of a stimulus, i.e., the minimum value of a factor that causes a functional deviation, and (ii) time during which the functional deviation takes place after change in the external factor. Complete correlation analysis with algorithm 18 (according to Plokhinskiy) is used for the former. For the latter, i.e., to determine the relationship between the physical and physiological factors, mutual correlative functions are determined between the quantities regarded as 2 ergodic processes. Use of the physiological-mathematical model made it possible to establish the threshold values of each factor and the time intervals of its action. Analysis revealed the physiological parameters that clearly respond to change in the physical factors: wighted mean skin temperature, rate of blood flow, and urinary excretion of 17-ketosteroids.

63

GOVERNMENT USE ONLY

GOVERNMENT USE ONLY

The most sensitive to fluctuations of the meteorological factors are humoral regulation, mental and emotional sphere, cardiovascular system, water-salt homeostasis, and respiratory system. Use of the proposed methods will be of value in predicting the health status of populations in relation to the climate in particular regions.

COPYRIGHT: VINITI, 1977

5214

CSO: 1840

- END

64

GOVERNMENT USE ONLY

~~GOVERNMENT USE ONLY~~

JPRS-10

JPRS L/7298

3 August 1977

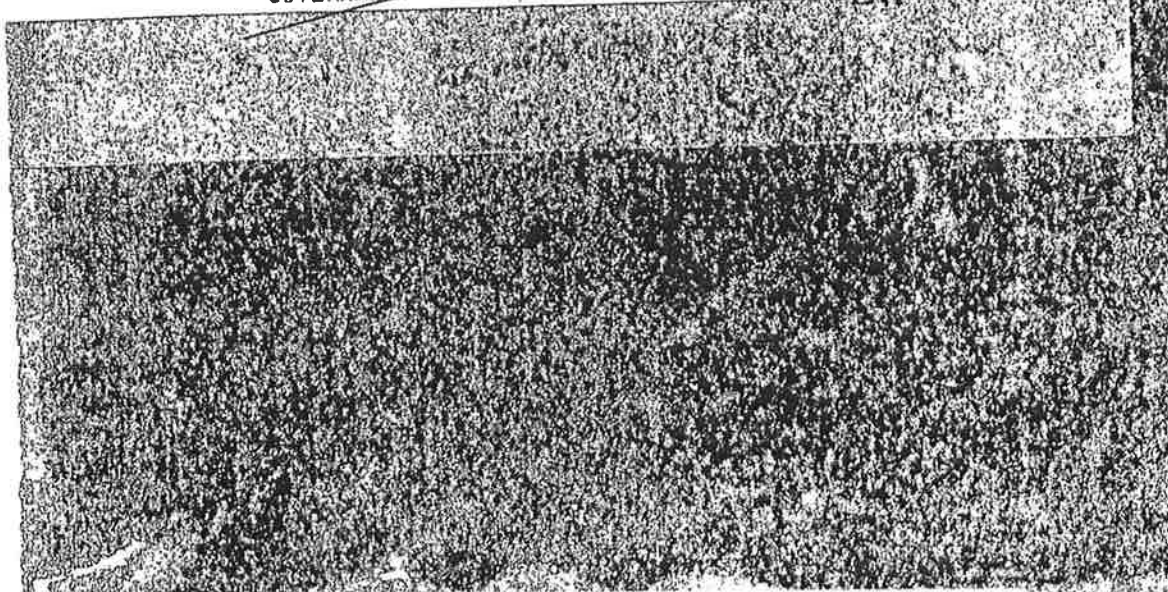


TRANSLATIONS ON USSR SCIENCE AND TECHNOLOGY  
BIOMEDICAL SCIENCES  
(GUO 28/77)  
EFFECTS OF NONIONIZING ELECTROMAGNETIC RADIATION

U. S. JOINT PUBLICATIONS RESEARCH SERVICE

~~GOVERNMENT USE ONLY~~

JPRS-9



BIBLIOGRAPHIC DATA SHEET	1. Report No. JPRS L/ 7298	2.	3. Recipient's Accession No.																
	4. Title and Subtitle TRANSLATIONS ON USSR SCIENCE AND TECHNOLOGY BIOMEDICAL SCIENCES (GUO 28/77) Effects of Nonionizing Electromagnetic Radiation		5. Report Date 3 August 1977																
7. Author(s)	9. Performing Organization Name and Address Joint Publications Research Service 1000 North Glebe Road Arlington, Virginia 22201		8. Performing Organization Rept. No.																
12. Sponsoring Organization Name and Address As above	10. Project/Task/Work Unit No.		11. Contract/Grant No.																
15. Supplementary Notes	13. Type of Report & Period Covered		14.																
16. Abstracts  The report contains information on aerospace medicine, agrotechnology, bionics and bioacoustics, biochemistry, biophysics, environmental and ecological problems, food technology, microbiology, epidemiology and immunology, marine biology, military medicine, physiology, public health, toxicology, radiobiology, veterinary medicine, behavioral science, human engineering, psychology, psychiatry and related fields, and scientists and scientific organizations in biomedical fields.																			
17. Key Words and Document Analysis. 17a. Descriptors <table border="0"> <tr> <td>USSR</td> <td>Medicine</td> </tr> <tr> <td>Aerospace Medicine</td> <td>Microbiology</td> </tr> <tr> <td>Agrotechnology</td> <td>Physiology</td> </tr> <tr> <td>Biology</td> <td>Psychology/Psychiatry</td> </tr> <tr> <td>Botany</td> <td>Public Health</td> </tr> <tr> <td>Epidemiology/Immunology</td> <td>Radiobiology</td> </tr> <tr> <td>Human Engineering</td> <td>Toxicology</td> </tr> <tr> <td>Marine Biology</td> <td>Veterinary Medicine</td> </tr> </table>				USSR	Medicine	Aerospace Medicine	Microbiology	Agrotechnology	Physiology	Biology	Psychology/Psychiatry	Botany	Public Health	Epidemiology/Immunology	Radiobiology	Human Engineering	Toxicology	Marine Biology	Veterinary Medicine
USSR	Medicine																		
Aerospace Medicine	Microbiology																		
Agrotechnology	Physiology																		
Biology	Psychology/Psychiatry																		
Botany	Public Health																		
Epidemiology/Immunology	Radiobiology																		
Human Engineering	Toxicology																		
Marine Biology	Veterinary Medicine																		
17b. Identifiers/Open-Ended Terms																			
17c. COSATI Field/Group 2, 5E, 5J, 6, 8A																			
18. Availability Statement U.S. Government Users Only. Sold by NTIS Springfield, Va. 22151		19. Security Class (This Report) UNCLASSIFIED	21. No. of Pages 56																
		20. Security Class (This Page) UNCLASSIFIED	22. Price																

FORM 8-72 (Rev. 5-8-70)

USC GPM: OIC 40123-M 71

JPRS L/7298

3 August 1977

TRANSLATIONS ON USSR SCIENCE AND TECHNOLOGY  
BIOMEDICAL SCIENCES  
(GUO 28/77)

EFFECTS OF NONIONIZING  
ELECTROMAGNETIC RADIATION

CONTENTS	PAGE
Arterial Pressure as Related To Exposure to Low-Intensity Microwaves and High Temperature (M. N. Sadchikova, et al.; GIGIYENA TRUDA I PROFESSIONAL'NYYE ZABOLEVANIYA, No 2, 1977) .....	1
Reactivity of Bone Marrow Megakaryocytes in Albino Rats Exposed to Microwave Low-Intensive Electromagnetic Field (E. I. Obukhan; TSITOLOGIYA I GENETIKA, No 1, 1977) .....	7
Contraction Function of the Myocardium in Patients Suffering From Rheumatoid Arthritis With Microwave Therapy (According to Polycardiography Data) (P. I. Pokutsa; VOPROSY KURORTOLOGII FIZIOTERAPII I LECHEBNOY FIZICHESKOY KUL'TURY, No 1, 1977) .....	11
Effect of Different SHF Energy Levels on the Functional State of the Body (M. G. Shandala, et al.; VRACHEBNOYE DELO, No 12, 1976) .....	17
Effects on the Organism of Brief Daily Exposure to Low-Frequency Electromagnetic Fields (I. P. Kozyarin, et al.; GIGIYENA I SANITARIYA, No 4, 1977) ...	22

- a -

[III - USSR - 22 S&T GUO]

~~GOVERNMENT USE ONLY~~

GOVERNMENT USE ONLY

## CONTENTS (Continued)

	Page
The Influence of the Electrical Field of an Electrical Power Transmission Line on Communications Lines Service Personnel (V. F. Kalyuzhnyy, M. I. Mikhaylov; ELEKTROSVYAZ', No 3, 1977) .....	27
Electric and Magnetic Properties of Biological Membranes (S. Ye. Bresler; PRIRODA, No 3, 1977) .....	36
Electromagnetic Ecology and Compatibility (Vaclav Prosr; CESKOSLOVENSKA STANDARDIZACE, No 9, 1976)	48
Biological Effect of Millimeter Radiowaves (N. P. Zulyubovskaya; VRACHEBNOYE DELO, No 3, 1977) ....	57
Effect of the Earth's Magnetic Field on Some Regulatory Functions in Healthy Persons (K. Murav'yeva; REFERATIVNYY ZHURNAL, MEDIYINSKAYA GEOGRAFIYA, No 3, 1976) .....	62
Heliogeomagnetic and Meteorological Factors in the Process of Adaptation (K. Murav'yeva; REFERATIVNYY ZHURNAL, MEDIYINSKAYA GEOGRAFIYA, No 3, 1976) .....	63

- b -

GOVERNMENT USE ONLY

~~GOVERNMENT USE ONLY~~

UDC: 612.143.014.426.014.43

## ARTERIAL PRESSURE AS RELATED TO EXPOSURE TO LOW-INTENSITY MICROWAVES AND HIGH TEMPERATURE

Moscow GIGIYENA TRUDA I PROFESSIONAL'NYYE ZABOLEVANIYA in Russian No 2, 1977  
pp 17-20

[Article by M. N. Sadchikova, K. V. Nikonova, Ye. A. Denisova, G. V. Snegova, E. N. L'vovskaya and V. A. Soldatova (Moscow), Institute of Industrial Hygiene and Occupational Diseases, USSR Academy of Medical Sciences, submitted 25 Feb 76]

[Text] It was reported in numerous works of the 1950's and 1960's (Ye. V. Gembitskiy; N. A. Osipov; A. A. Orlova; N. V. Uspenskaya) that there are hemodynamic changes of a vagotonic nature, usually evaluated as specific reactions of the organism to radiowaves. Vagotonic vegetovascular reactions were demonstrated primarily with exposure to superhigh frequency (SHF) electromagnetic fields of the order of hundreds of microwatts per sq cm to a few milliwatts per sq cm. Several authors (E. A. Drogichina and M. N. Sadchikova; N. V. Tyagin; P. I. Fofanov and others) observed asthenic (neurasthenic) manifestations, vegetovascular changes related to increased excitability of the sympathetic branch of the autonomic nervous system, and lability of arterial pressure with a tendency toward hypertensive or hypotensive reactions in individuals exposed to SHF (microwave) electromagnetic radiation for long periods of time. There are indications of possible development of neurocirculatory disorders of the hypertensive type under the influence of microwaves of up to hundreds of microwatts per sq cm in publications of the last few years (G. G. Lysina; V. P. Medvedev; M. N. Sadchikova and K. V. Nikonova, and others).

The objective of the present work was to study vascular tonus in individuals whose work involved exposure to low intensity microwaves. A total of 885 workers in the radio and electronic industries were submitted to a polyclinical examination; 353 people (275 men and 78 women) were in contact with microwave sources and 532 people (411 men and 121 women) made up the control group. We analyzed the data of preliminary and periodic physicals on the basis of outpatient charts. A total of 68 people were submitted to a comprehensive workup in the hospital. The subjects ranged in age from 24 to 49 years. Their occupations were as follows: adjusters, engineers, technicians, testers and fitter-electricians. Two groups were distinguished, according to

~~GOVERNMENT USE ONLY~~



GOVERNMENT USE ONLY

working conditions. The first group consisted of 182 men (73.1% under 40 years old) who worked in the finishing ["vypusknoy"] shops of radar stations (RS) and the sections of adjustment of SHF units at enterprises of the radio industry who were periodically exposed to microwaves ranging from a few to hundreds of microwatts per sq cm. Duration of exposure in the course of a work shift varied, depending on the type of product involved. According to time studies conducted by I. P. Sokolova, it did not exceed 2-3 hours per day. Work tenure of most subjects (63.2%) was up to 10 years. High air temperature (up to 37-39°) and noise, within the range of permissible levels, were additional deleterious factors during work in radar booths. The work was not associated with marked nervous and emotional tension.

The second group consisted of 93 men (69.9% up to 40 years of age) who worked in sectors of adjustment of radiorelay equipment in the radio industry, and 78 women (52.6% up to 40 years old) who serviced the sectors of adjustment and tuning of electronic instruments in enterprises of the electronics industry. In this group of workers, the level of exposure to microwaves did not exceed 10  $\mu$ watt/sq cm. Work tenure ranged from 3 to 20 years, constituting up to 10 years for most men (65.6%) and over 10 years for most women (66.7%). In both groups, primarily the hands, head and top half of the body were exposed to radiation.

The workers in the control group, consisting of 411 men (72.7% up to 40 years old) and 121 women (81% up to 40 years old) were not exposed to any deleterious industrial factors.

The general clinical examination of the first, second and control groups of workers showed most of them to be essentially healthy (72, 80 and 87.6%, respectively), while the others presented signs of vegetovascular dysfunction. In 4 workers of the 1st group (47-48 years old), who had worked for a long time with exposure to microwaves, there were neurocirculatory disorders with critical course, which were evaluated as an occupational disease. We are submitting the results of measuring arterial pressure, submitted to statistical processing as related to sex, age, work tenure and working conditions. Arterial pressure was measured by the auscultative method of Korotkov in three positions (seated, standing and lying down) with determination of the reactions to physical loads in men up to 40 years of age in the 1st and 2d groups. The range of fluctuations of arithmetic mean level ( $M \pm 1.5\sigma$ ) obtained in the following control age groups: 20-29, 30-39, 40-49 years, was used as the norm for arterial pressure indices. In the control age groups, systolic and diastolic pressure did not exceed the range of conventional standards, 140/90 mm Hg (WHO criterion for individuals 20-60 years of age, 1962).

When we compared (Table 1) the mean indices of arterial pressure in the 1st, 2d and control groups, we were impressed by the statistically reliable elevation of systolic and diastolic pressure in men of the 1st group, regardless of age. Arterial hypertension was the most demonstrable under the influence of a physical load. In this group, we also obtained a high degree

2

GOVERNMENT USE ONLY

GOVERNMENT USE ONLY

of statistical reliability of incidence of deviations from normal, in the direction of elevation of systolic ( $P < 0.001$  and  $P < 0.01$ ) and diastolic ( $P < 0.01$  and  $P < 0.001$ ) pressure. The arterial pressure elevation was often associated with mild or moderate constriction of retinal arteris; retinal angiopathy was observed in  $16.5 \pm 2.8\%$  of the cases, whereas in the 2d group no statistically reliable changes in arterial pressure in the direction of elevation were observed, with the exception of systolic pressure in women 40-49 years of age.

Table 1. Indices of arterial pressure in workers dealing with microwave sources and in the control group

Group	Statistical index	Arterial pressure, mm Hg					
		systolic, at age of			diastolic at age of		
		20-29 years	30-39 years	40-49 years	20-29 years	30-39 years	40-49 years
Men							
Control	n	100	199	112	100	199	112
	M	113.9	115.8	121.0	69.8	70.8	71.1
	$\pm m$	1.20	0.90	1.30	0.90	0.77	0.83
	$\sigma$	12.0	12.7	13.8	9.00	10.9	8.78
1	n	31	102	49	31	102	49
	M	120.8	124.8	135.5	76.1	79.6	87.0
	$\pm m$	2.18	1.67	2.07	1.59	1.18	1.28
	$\sigma$	12.0	16.9	14.5	8.38	11.9	8.87
	p	<0.01	<0.001	<0.001	<0.001	<0.001	<0.001
2	n	19	46	28	19	46	28
	M	114.5	115.3	118.4	68.9	72.4	70.1
	$\pm m$	4.16	1.83	3.35	1.28	1.66	2.16
	$\sigma$	17.6	12.3	17.4	5.43	11.1	11.2
	p	>0.05	>0.05	>0.05	>0.05	>0.05	>0.05
Women							
Control	n	54	44	23	54	44	23
	M	111.2	113.9	122.6	69.9	72.6	76.9
	$\pm m$	1.49	2.57	3.87	1.19	1.54	2.21
	$\sigma$	9.85	16.8	18.2	8.66	10.1	10.4
2	n	13	28	37	13	28	37
	M	110.4	116.6	140.8	68.1	69.8	79.0
	$\pm m$	4.31	2.39	2.67	2.16	1.43	1.72
	$\sigma$	15.0	12.4	20.6	7.47	7.44	10.3
	p	>0.05	>0.05	<0.001	>0.05	>0.05	>0.05

3

GOVERNMENT USE ONLY

GOVERNMENT USE ONLY

Analysis of arterial pressure indices in the 1st and 2d groups of men up to 40 years of age (Table 2) revealed reliable changes in systolic and diastolic pressure in the 1st group with work tenure of 5 or more years. Pulse pressure remained within the normal range. Pressure asymmetry (20-30 mm) was demonstrated only in a few men over 40 years of age and with tenure of 15-20 years, mainly during sympathoadrenal crises.

Table 2. Indices of arterial pressure as function of work tenure

Group	Tenure, years	No of cases	Arterial pressure, mm Hg			
			systolic		diastolic	
			M±m	P	M±m	P
Control		299	116,5±0,70		70,8±0,60	
1	До 5	50	121,1±4,41	>0,05	75,8±1,26	<0,001
	5-9	57	125,4±2,30	<0,001	78,7±1,58	<0,001
	10-14	17	134,7±4,53	<0,001	84,7±3,13	<0,001
2	До 5	21	114,0±3,25	>0,05	69,3±2,37	>0,05
	5-9	26	114,0±3,03	>0,05	70,0±2,02	>0,05
	10-14	16	116,2±3,29	>0,05	74,7±2,93	>0,05

Table 3. Indices of arterial pressure as function of working conditions

Group	work sector	No of cases	Arterial pressure, mm Hg			
			systolic		diastolic	
			M±m	P	M±m	P
Control		311	118,4±0,69		70,9±0,59	
1	a	27	130,0±2,21	<0,02	83,3±1,72	<0,001
	b	17	138,9±3,48	<0,001	85,0±2,09	<0,001

Thus, changes in arterial pressure of the hypertensive type were found in the 1st group of men exposed to microwaves of up to hundreds of microwatts per sq cm, high ambient temperature and noise within the range of permissible levels for long periods of time (5 or more years) and in women with long tenure (10-20 years) of work involving exposure to up to 10  $\mu$ watt/sq cm microwaves.

In order to define the role of noise in onset of hypertensive states, we analyzed (Table 3) the indices of arterial pressure in the 1st group of men 30-49 years of age, who worked in either sector (sectors a and b), as related to working conditions. Individuals who worked in the finishing shop (sector a) were exposed to microwaves, high ambient temperature and noise; those engaged in adjusting SHF units (sector b) were exposed to microwaves and high air temperature. Their tenure constituted 10-14 years.

GOVERNMENT USE ONLY

GOVERNMENT USE ONLY

Analysis revealed statistically reliable differences in systolic and diastolic pressure levels of workers in both sectors, as compared to the control group. We failed to demonstrate differences in arterial pressure of individuals working in the two sectors, so that we could rule out the role of noise in onset of arterial hypertension.

The obtained data indicate that future measures to improve working conditions should be implemented with due consideration of both the microwave and other factors of the industrial environment, and they must be considered when evaluating the health status of workers.

#### Conclusions

1. Changes in arterial pressure of the hypertensive type develop in workers of finishing shops of RS and adjustment sectors of SHF units under the influence of microwaves of up to hundreds of microwatts per sq cm and high air temperature.
2. The hypertensive states observed are related to work tenure and, apparently, the combined effect of microwaves and heat.
3. When implementing protective measures and evaluating the health status of workers, attention should be given to both low intensity microwaves and other factors of the industrial environment.

#### BIBLIOGRAPHY

1. Gemtistkiy, Ye. V. in "Mediko-biologicheskiye problemy SVCh-izlucheniya" [Biomedical Problems of Superhigh Frequency Radiations], Leningrad, 1966, pp 14-155.
2. Drogichina, E. A., and Sadchikova, M. N. GIG. TRUDA [Industrial Hygiene], No 1, 1965, pp 17-21.
3. Lysina, G. G. MED. RADIOL. [Medical Radiology], No 11, 1975, pp 50-55.
4. Medvedev, V. P. GIG. TRUDA, No 3, 1973, pp 6-9.
5. Orlova, A. A. in "O biologicheskom vozdeystvii sverkhvysokikh chastot" [Biological Effects of Superhigh Frequencies], edited by A. A. Letavet and Z. V. Gordon, Moscow, 1960, pp 36-40.
6. Sadchikova, M. N., and Nikonova, K. V. GIG. TRUDA, No 9, 1971, pp 10-13.
7. Tyagin, N. V. VOYEN.-MED. ZH. [Military Medical Journal], No 2, 1965, pp 36-40.

5

GOVERNMENT USE ONLY

GOVERNMENT USE ONLY

8. Uspenskaya, N. V. VRACH. DELO [Medical Record], No 3, 1961, pp 124-125.
9. Fofanov, P. N. KLIN. MED. [Clinical Medicine], No 4, 1966, pp 18-22.

COPYRIGHT: GIGLYENA TRUDA I PROFESSIONAL'NYE ZABOLEVANIYA 1977

10,657  
CSO: 1870

6

GOVERNMENT USE ONLY

UDC 576.3.577.4

REACTIVITY OF BONE MARROW MEGAKARYOCYTES IN ALBINO RATS EXPOSED TO  
MICROWAVE LOW-INTENSIVE ELECTROMAGNETIC FIELD

Kiev TSIT'OLOGIYA I GENETIKA in Russian No 1, 1977 pp 27-29

[Article by E. I. Obukhan, Scientific and Technical Institute of General  
and Communal Hygiene]

[Text] Upon exposing an organism to SHF fields several researchers discovered impairments of the blood coagulation system (1-4). In other works widespread or localized hemorrhages in various organs (5,6) and thrombocytopoiesis of the peripheral blood (7,8) were noted. The changes that were found were apparently brought on not only by the direct effects of microwaves on the blood, but also to a considerable degree by the morphological and functional condition of thrombocyte-producing cells, i.e. megakaryocytes. But for the meantime the peculiarities of differentiation of bone marrow megakaryocytes during irradiation of animals with electromagnetic energy of the VHF band have not been clarified in literature.

Materials and Method. In order to study the reactivity of megakaryocytes at various stages of differentiation, for which morphological and functional criteria were chosen as indicators (Thrombocytopoiesis under the activity of centimetric microwaves with 12.6 cm wavelength), albino pubescent rats of the Wistar strain were irradiated by a 'Luch-58' generator with irradiation frequency of 2375 MHz. Two series of test were run: single continuous irradiation with SHF energy at power density of  $500 \mu\text{W}/\text{cm}^2$  with six hours of exposition and intermittent irradiation for 3, 7 and 10 days with microwaves with a power density of 50 group of animals was examined after 16 and 24 hours, and 7 and 16 days, the second group after 3, 4, 10 and 14 days. The tests were repeated seven times. The rats were killed by means of displacing the neck vertebrae. Bone marrow was aspirated from the thigh bones. Smears were prepared and stained by the Funnenheim method. Smears of bone marrow from normal animals were stained at the same time.

Results of the Research and Discussion. The most substantial deviations of morphological and functional features of megakaryocytes (as compared with the norm) were found in rats receiving a single irradiation of VHF energy

7

GOVERNMENT USE ONLY

## GOVERNMENT USE ONLY

(500 uW/cm<sup>2</sup>). Thus, within 16 and 24 hours after cessation of the irradiation the majority of mature megakaryocytes were in a state of thrombocytopoiesis (Fig 1, see inset 1). In the control these megakaryocytes were complete. Their nuclei, as a rule, were arranged eccentrically, the oxyphylic, sometimes polychromatophylic, cytoplasm was filled with thrombocytes, the wholeness of the cytoplasmic covering was destroyed, with thrombocytes frequently arranged next to the maternal megakaryocytes. Large islets of thrombocytes, territorially united by cytoplasm, were often found in the smears, which indicates they were formed by means of clasmatosis. Normally such islets are very rarely observed. Some of the mature megakaryocytes were broken down within 16 and 24 hours and cessation of the irradiation. The cytoplasm of the disintegrating cells becomes oxyphylic and swollen. The nuclei are pycnotized, arranged eccentrically and removed from the cytoplasm. All ensuing stages of enucleation we observed: 4, 3 and 2 anuclear megakaryocytes. Sometimes the nucleus' exit is accompanied by 'blistering' of the cytoplasm. Under the effect of microwaves with power density of 500 uW/cm<sup>2</sup> reinforced (intensive) thrombopoiesis apparently takes place, accompanied by cellular exhaustion and a loss of life capacity. A megakaryocyte at the limit of 'exhaustion' continues to produce thrombocytes pinched into the shape of strands (Fig 2, see inset 1). The cytoplasm, deprived of a nucleus, is oxyphylic with fine, basophile granular surface. In 7 and 16 days after irradiation the number of mature megakaryocytes that are producing thrombocytes is significantly reduced. Destructive forms were not found in 16 days. Megakaryocytes at various stages of differentiation do not differ morphologically from their counterparts in the control.

An interesting aspect of megakaryocytopoiesis under microwave activity (both series of tests) is heightened megakaryocyte phagocytosis, most frequently observed in the case of single irradiation (500 uW/cm<sup>2</sup>). Lymphocytes, normoblasts, mature granulocytes and erythrocytes, often completely filling the cell, are subjected to phagocytosis. The causes and significance of megakaryocyte phagocytosis are unclear. It is possible that the microwaves increase the permeability of the megakaryocytes' cellular membrane, facilitating the influx of phagocytosis products. It is also possible that the contents of absorbed cells are re-utilized by the megakaryocytes to some extent. A possible inter-relationship can be surmised between such phenomena as enucleation of pycnotized nuclei that have exhausted their function, phagocytosis, re-utilization of the nuclear material of phagocytosis products, which a mature megakaryocyte in a state of functional activity (thrombocytopoiesis) can maintain for some time. It is known that 'phagocytosis is a stereotype reaction that is involved in the most diverse processes in the course of an illness' (9). It is entirely possible that under the effect of MW some of the megakaryocytes acquire the characteristics of macrophages, engulfing the disintegrating bone marrow cells. In the majority of cases, however, the products of phagocytosis are completely normal cells. It follows that the 'megakaryocyte-macrophage' explanation is not exhaustive: the biological significance of megakaryophagocytosis is linked with more profound intracellular transformations.

As a result of irradiation (500  $\mu\text{W}/\text{cm}^2$ ) against a background of intensification of thrombocytopoiesis and megakaryocytophagocytosis simultaneous intensification of the proliferative activity of megakaryoblasts and that of megakaryoblasts and promegakaryocytes occurs. The frequent appearance of 3 and 4 poled mitoses of megakaryoblasts (fig 3, see 2nd inset) and islets of promegakaryocytes (2-4) in each islet, closely touching the cellular membranes and chiefly distinguished by size (volume of cytoplasm, number of nuclei), is observed within 16 to 24 hours after the effect of the reactor. Megakaryocyte islets are rarely found in the bone marrow of healthy animals and as a rule consist of two, and only in isolated cases, three cells. It follows that the significant increase in the number of 2 and 3 cell groups and the frequent appearance of 4-cell associations in the marrow can only be explained by the multiplication of promegakaryocytes from their original forms under the direct influence of super high frequency vibrations. Inasmuch as mitosis in promegakaryocyte islets has not been found by us, it can be assumed that the basic method of multiplication is amitotic; the diverse size and structure of the cells in each islet confirms this.

Under the effect of a SHF field with intensity of 50  $\mu\text{W}/\text{cm}^2$  (3, 7, 10 sessions) the destructive changes of megakaryocytes are expressed to a lesser degree. Clasmatosis of the cytoplasm and lysis of nuclei were observed only in rats with hemorrhaging in the bone marrow. Intensification of the functional (thrombocytopoiesis) and proliferative activity of megakaryocytes as compared with the control correlates with the increase of sessions of irradiation. It follows that the morphological and functional characteristics of megakaryocytes under the effect of a SHF electromagnetic field of the indicated intensities bear witness to the significant reactivity of the cellular elements of megakaryocytopoiesis. Reinforced thrombocytopoiesis and intensification of the proliferative activity of megakaryoblasts and promegakaryocytes should be assumed to factors of compensatory significance; the reinforcement of megakaryocytophagocytosis is apparently associated with changes of the biophysical and chemical properties of the cells during the process of irradiation, this phenomenon can be compensatory and adaptive.

Conclusions. Under conditions of single (500  $\mu\text{W}/\text{cm}^2$ ) and intermittent (50  $\mu\text{W}/\text{cm}^2$ ; 3, 7, 10 sessions) application of SHF energy (6 hours exposition) some megakaryocytes are destroyed; functional activity (thrombocytopoiesis) is reinforced as compared with the control with the greatest expression in the case of single application.

Reinforcement of megakaryocytophagocytosis occurs at one and four days after exposure to microwaves (all variations of the tests).

Intensification of the proliferative activity of megakaryoblasts and promegakaryocytes occurs at 1, 4, 7, 14, and 16 days after cessation of SHF applications, which is evidence of the compensatory and restorative processes in the megakaryocytopoiesis system.

9  
GOVERNMENT USE ONLY



BIBLIOGRAPHY

1. Tyagin, N.V. "Changes in the Blood of Animals Exposed to SHF-UHF Electromagnetic Fields" in "Tezisy dokl. nauchn. konf. po gigiyene truda i biol. deystviyu ehlektromagnitnykh voln radiochastot" (Theses of Reports of Scientific Conference on Industrial Hygiene and the Biological Effect of Radio-Frequency Electromagnetic Waves), L., 1957, pp 116-126.
2. Tyagin, N. V. "Clinical Aspects of SHF-diapason Irradiations" in "Meditsina" (Medicine), p 174, 1971.
3. Dumanskiy, Y. D.; Serdyuk, A. M.; Los', I. P. "The Effects of Electromagnetic Radiofrequency Fields on Humans" in "Zdorov'ya" (Health), p 159, 1975.
4. Boggs, R. F. et al., "Effects of 2450 MHz microwave Radiation on Human Blood Coagulation Processes" in "Health Physics" Vol 22, No 3, 1972.
5. Gorodetska, G. F.; Lisina, G.G.; Rappoport, M. M. "The Structure of Hemopoiesis Under the Influence of Electromagnetic Radio Waves" in "Fizio. zhurn." (Journal of Physiology) No 6, 1969.
6. Malyshev, V. M., Kolesnik, F. A. "Electromagnetic Waves of Super High Frequency and Their Effect on Humans" in "Meditsina" (Medicine), 1968.
7. Dochkin, I. I. "On the Effect of a SHF Field on the Hemogenetic System" in "Voyenno-med. zhurnal" (Military Medical Journal) No 11, pp 42-43, 1970.
8. Sokolov, V. V. et al. "Changes in the Blood System During Radiation Sickness" in the book "Industrial Hygiene and the Effect of Electromagnetic Radio Frequency Waves," pp 16-17, 1972.
9. Sel'ye, G. "On the Level of a Whole Organism," Moscow, Nauka, 1972.

COPYRIGHT: Izdatel'stvo Naukova Dumka, Tsitologiya i Genetika, 1977

9050  
CSO: 1870

UDC 616.72-002-031.14-022.6-085.849.112-07:616.127-008.1-073.96

CONTRACTION FUNCTION OF THE MYOCARDIUM IN PATIENTS SUFFERING FROM RHEUMATOID ARTHRITIS WITH MICROWAVE THERAPY (ACCORDING TO POLYCARDIOGRAPHY DATA)

Moscow VOPROSY KURORTOLOGII FIZIOTERAPII I LECHEBNOY FIZICHESKOY KUL'TURY in Russian No 1, 1977 received by editors 11 May 75 pp 65-68

[Article by P. I. Pokutsa, Dobromil'skiy Rayon Hospital, L'vovskaya Oblast']

[Text] The fact of the heart's involvement in the pathological process in rheumatoid arthritis does not evoke any doubt now (Ye. M. Tareyev; A. I. Nesterov and Ya. I. Sigidin; M. G. Astapenko et al.).

Microwave therapy occupies an important place among the physiotherapeutic effects used in the treatment of patients suffering from rheumatoid arthritis. However, the mechanism of action of microwaves has not yet been clarified definitively.

According to the data in the literature, the contraction function of the myocardium improves under the effect of this factor (M. Yu. Alimova). At the same time, microwaves have a negative effect on the cardiovascular system, especially in individuals with heart pathology (A. N. Obrosov and co-authors; F. D. Vasilenko).

We attempted to clarify the effect of microwaves in patients suffering from rheumatoid arthritis on the contraction function of the myocardium by means of an analysis of the phase structure of the systole of the left ventricle.

A total of 65 patients (12 men and 53 women) were under observation. There were 8 patients aged 15 to 19, 29 patients aged 20 to 29, and 28 patients aged 30 to 40. A. N. Nesterov's and M. G. Astapenko's classifications were used during the diagnosis.

The articular form of rheumatoid arthritis predominated in 51 patients and the articular-cardiac form, in 14 patients. The exudative form was detected in 13 patients, the exudative-proliferative form, in 47 patients and the fibrous form, in 5 patients. First degree process activity occurred in 18 patients, second degree, in 37 patients and third degree, in 10 patients.

11

GOVERNMENT USE ONLY

GOVERNMENT USE ONLY

The disease lasted from 1 to 5 years in 29 patients, from 6 to 10 years, in 24 patients and more than 10 years, in 12 patients. Patients complained about stiffness in joints in the morning (48), unpleasant sensations in the heart area (31), dull, sharply constricting pains behind the breastbone (27) and difficult breathing and heart beating (19). In 51 patients the joints were swollen slightly and in 49, disfigured. Trophic changes in the skin were detected in 25 patients and muscle hypotrophy, in 32 patients.

On X-ray photographs of joints osteoporosis of bony epiphyses pronounced to a varying degree was observed in 61 patients, stricture of joint fissures in 48 patients, usuration of joint surfaces in 27 patients, subluxations in 2 joints and more in 8 patients, and joint ankylosis in 10 patients. In 17 patients the heart was dilated to the left up to 1.5 cm and in 22 patients the heart sounds were thudding. A systolic apex murmur was detected in 19 patients and an accentuated second sound on a pulmonary artery, in 13 patients.

In 29 patients ECG data indicated a disturbance in the intra-atrial and intraventricular conduction and in 21 patients, a change in the end part of the ventricular complex, primarily in the form of flattening and inversion of the T wave.

A change in the protein formula of blood serum in the form of  $\alpha_2$  and  $\gamma$ -globulin was noted in 52 patients, rise in the diphenylamine test indices, in 46 patients, rise in the antistreptolysin O titer, in 22 patients and the existence of C-reactive protein, in 53 patients.

To clarify the effect of microwaves on the contractility of the myocardium, the patients were divided into 3 groups almost identical in the stage of disease and process activity. The first group included 22 patients, who along with drugs (pyrazolone and quinoline preparations and salicylates) received the effect of 20-40 watt microwaves. The second group included 20 patients who received the same treatment, but the power of the microwave effect was 50-70 watts. The third group included 23 patients who received only drugs. The foci of chronic infection were disinfected in all the patients and all received therapeutic physical training.

The Luch-58 apparatus was used for microwave therapy. In the presence of a lesion of interdigital joints a cylindrical radiator of a 110 mm diameter was used and 2 to 5 joints were affected simultaneously. In the presence of a symmetrical lesion in large joints a rectangular radiator (300X90X90 cm) was used. Procedures with a gap of 7 to 8 cm lasting 10 to 20 min were performed in a day. The course of treatment consisted of 10 to 14 procedures.

Polycardiograms were recorded before the beginning and after the end of treatment. The phase analysis of the systole of the left ventricle was conducted according to Blumberg's method in V. L. Karpman's modification (1965).

12

GOVERNMENT USE ONLY

For a comparison of the changes in the phase structure of the systole of the left ventricle under the effect of combined treatment 22 essentially healthy people no older than 40, in whose anamnesis there were no indications of previous diseases of the cardiovascular system, were examined.

When the average length of the phases of the systole of the left ventricle and interphase indices were compared, the following differences from the group of healthy individuals were detected in all the groups of patients before the treatment: lengthening of the period of tension due to both its constituent phases, shortening of the phase of expulsion and lowering of Blumberg's mechanical coefficient, the intrasystolic index, the initial rate of increase in intraventricular pressure and the average rate of ventricular emptying (see table). At the same time, a direct relationship between the activity of rheumatoid arthritis and phase changes in the heart activity was noted.

After treatment a positive dynamics of ECG indicators was observed--primarily in the form of improvement in the intra-atrial and intraventricular conduction and increase in the voltage of the T wave (in 14 patients of the first group, in 4 patients of the second group and in 10 patients of the third group). Deterioration of ECG data was noted in 6 patients of the second group: depression of the T wave and reduction in the voltage of the QRS complex.

During an analysis of the phase structure of the systole of the left ventricle shortening of the period of tension was noted in 17 patients of the first group and in 11 patients of the third group, lengthening of the period of expulsion in 19 and 9 patients respectively and increase in the mechanical coefficient and intrasystolic index in 17 and 13 patients respectively. These changes indicate a favorable effect of low power microwaves on the contractility of the myocardium. At the same time, lengthening of the period of tension in 18 patients and shortening of the period of expulsion in 16 patients (as compared with initial values) was noted in the second group after microwave therapy, which indicates a reduction in the contractility of the myocardium.

The initial rate of increase in intraventricular pressure and the average rate of ventricular emptying are of great importance for judging the contractility of the myocardium (V. L. Karpman, 1970). Under the effect of treatment these indices reached normal values in patients of the first and third group. In patients of the second group they were lowered, which indirectly indicates an unfavorable effect of high-power microwaves on the cardiac muscle.

Thus, disturbances in the contractility of the myocardium in patients were leveled under the effect of combined therapy with an inclusion of low power microwaves. This should be taken into consideration when prescribing microwave therapy, especially to patients with a visceral form of rheumatoid arthritis with a predominant heart lesion.

GOVERNMENT USE ONLY

GOVERNMENT USE ONLY

Change in the Phase Structure of the Systole of the Left Ventricle in Patients Suffering From Rheumatoid Arthritis (Mm)

(1) Показатель	(2) Группы больных						Здоровые (6)			
	1-я (3)		2-я (4)		3-я (5)					
	до лечения (7)	после лечения (8)	до лечения (7)	после лечения (8)	до лечения (7)	после лечения (8)	P	до лечения (7)	после лечения (8)	
Средняя амплитуда (9)	0.77 ± 0.027	0.93 ± 0.028	<0.001	0.79 ± 0.035	0.74 ± 0.056	<0.2	0.74 ± 0.022	0.81 ± 0.031	<0.2	0.83 ± 0.015
Фазовый сдвиг (10)	0.07 ± 0.002	0.05 ± 0.002	<0.001	0.07 ± 0.003	0.08 ± 0.005	>0.5	0.08 ± 0.003	0.05 ± 0.002	<0.001	0.04 ± 0.002
Фазовый коэффициент (11)	0.06 ± 0.002	0.04 ± 0.003	<0.001	0.06 ± 0.004	0.06 ± 0.005	>0.5	0.06 ± 0.003	0.03 ± 0.002	<0.001	0.03 ± 0.003
Первое напряжение (12)	0.23 ± 0.002	0.26 ± 0.005	<0.001	0.23 ± 0.003	0.24 ± 0.004	<0.1	0.23 ± 0.003	0.25 ± 0.003	<0.001	0.23 ± 0.003
Второе напряжение (13)	0.24 ± 0.003	0.26 ± 0.004	<0.01	0.26 ± 0.003	0.28 ± 0.005	>0.5	0.26 ± 0.003	0.24 ± 0.003	<0.001	0.24 ± 0.003
Механическая систола (14)	0.28 ± 0.005	0.30 ± 0.005	<0.01	0.27 ± 0.005	0.27 ± 0.005	>0.5	0.28 ± 0.005	0.29 ± 0.005	<0.001	0.28 ± 0.005
Общая (15)	0.27 ± 0.005	0.35 ± 0.007	<0.5	0.3 ± 0.007	0.36 ± 0.005	>0.2	0.3 ± 0.007	0.33 ± 0.005	<0.2	0.32 ± 0.006
Давление (16)	0.43 ± 0.007	0.52 ± 0.007	<0.5	0.43 ± 0.007	0.46 ± 0.006	<0.1	0.43 ± 0.007	0.47 ± 0.003	<0.2	0.41 ± 0.025
Механический коэффициент Блоха-Бергера (16)	1.63 ± 0.066	3.00 ± 0.088	<0.001	1.64 ± 0.068	1.79 ± 0.114	<0.2	1.20 ± 0.006	2.91 ± 0.123	<0.1	3.19 ± 0.756
Внутристоловое давление (19)	78.57 ± 0.623	85.02 ± 1.529	<0.01	75.17 ± 2.152	78.87 ± 0.926	<0.1	82.17 ± 1.057	89.23 ± 0.979	<0.001	80.16 ± 1.247
Индекс напряжения миокарда (20)	36.50 ± 0.661	25.45 ± 0.588	<0.001	36.51 ± 0.875	36.88 ± 1.934	<0.5	32.81 ± 0.627	25.63 ± 0.128	<0.001	24.52 ± 1.110
Начальная скорость изотриглицеридов (21)	1766.46 ± 95.707	2180.0 ± 99.871	<0.01	1760.34 ± 102.145	133.40 ± 96.864	<0.5	1577.00 ± 81.281	2242.50 ± 105.125	<0.001	1550.07 ± 117.434
Средняя скорость опорожнения желудка (22)	245.56 ± 2.781	284.32 ± 2.784	<0.1	264.40 ± 4.420	250.41 ± 6.256	<0.1	257.25 ± 3.513	264.57 ± 4.710	<0.5	299.67 ± 3.814
Время изгнания минутного объема (23)	15.43 ± 0.563	19.80 ± 1.205	<0.05	13.33 ± 6.233	18.21 ± 0.767	>0.6	17.62 ± 0.540	18.50 ± 0.655	<0.5	19.66 ± 0.508

Note. The proper magnitudes of phase indicators are presented in parentheses

/Key on following page/

GOVERNMENT USE ONLY

GOVERNMENT USE ONLY

## Key:

- |                                       |  |
|---------------------------------------|--|
| 1. Indicator                          | 13. Period of expulsion  |
| 2. Group of patients                  | 14. Mechanical systole   |
| 3. First                              | 15. General systole  |
| 4. Second                             | 16. Diastole   |
| 5. Third                              | 17. Seconds  |
| 6. Healthy                            | 18. Blumberg's mechanical coefficient                              |
| 7. Before treatment                   | 19. Intrasystolic index, %   |
| 8. After treatment                    | 20. Index of myocardial tension, %                                 |
| 9. Cardiac cycle                      | 21. Initial rate of increase in intraventricular pressure, mm Hg/s |
| 10. Phase of asynchronous contraction | 22. Average rate of ventricular emptying, ml/s                     |
| 11. Phase of isometric contraction    | 23. Time of expulsion of minute volume, s                          |
| 12. Period of tension                 |  |

## BIBLIOGRAPHY

1. Alimova, M. Yu., in the book "Aktual'nyye Voprosy Kurortologii i Fizioterapii v Uzbekistane" /Urgent Problems of Health Resort Treatment in Uzbekistan/, Tashkent, 1971, pp 151-154.
2. Astapenko, M. G., VOPR. REVMAT., 1964, No 3, pp 56-61.
3. Vasilenko, F. D., in the book "Fizicheskiye Faktory v Kompleksnom Lechenii i Profilaktike Vnutrennikh i Nervnykh Bolezney" /Physical Factors in Combined Treatment and Prevention of Internal and Nervous Diseases/, edited by A. N. Obrosov, Moscow, 1971, pp 29-104.
4. Karpman, V. L., "Fazovyy Analiz Serdechnoy Deyatel'nosti" /Phase Analysis of Cardiac Activity/, Moscow, 1965.
5. Karpman, V. L., in the book "Spravochnik po Funktsional'noy Diagnostike" /Handbook of Functional Diagnosis/, Moscow, 1970, pp 127-139.
6. Nesterov, A. I., and Sigidin, Ya. A., "Klinika Kollagenovykh Bolezney" /Clinical Aspects of Collagen Diseases/, Moscow, 1961.
7. Nesterov, A. I., TER. ARKH., 1959, No 5, pp 19-29.
8. Obrosov, A. W., Skurikhina, L. A., and Safiulina, S. N., VOPR. KURORTOL., 1963, No 3, pp 223-229.

15

GOVERNMENT USE ONLY

GOVERNMENT USE ONLY

9. Tareyev, Ye. M., SOV. MED., 1958, No 9, pp 15-23.

COPYRIGHT: VOPROSY KURORTOLOGII FIZIOTERAPII I LECHEBNOY FIZICHESKOY  
KUL'TURY 1977

11,439  
CSO: 1870

16

GOVERNMENT USE ONLY

UDC 576.75:612.014.421.5

EFFECT OF DIFFERENT SHF ENERGY LEVELS ON THE FUNCTIONAL STATE OF THE BODY

Moscow VRACHEBNOYE DELO in Russian No 12, 1976 pp 113-116

[Article by Prof M. G. Shandala and Cand Med Sci M. I. Rudnev and S. I. Nozdrachev, Kiev Institute of General and Communal Hygiene imeni A. N. Marzeyev]

[Text] Research by hygienists showed that insignificant quantitative expression of a certain unfavorable factor that does not produce clinical manifestations of disease often promotes development of so-called nonspecific reactions. The reason research is urgently needed on various aspects of the biological action of low intensity stimuli is that effects such as these are especially typical of modern environmental conditions.

The goal of the present paper is to reveal specific features in reactions of the body depending on SHF [superhigh frequency] energy power flux density (PFD) and dose distribution with respect to time. In addition we were also interested in determining the intensity of the body's reactions in animals irradiated by different SHF field PFD while experiencing a functional load in an altitude chamber.

Selecting the research methods with a consideration for published data (3) and the probable mechanism of action of SHF energy, we tried to study indices which reflect the functional state of the body--bioelectric activity of the brain and heart, respiration frequency, intratissue circulation rate, intratissue temperature, tissue oxygen tension, and some water-salt metabolism data. A LUCH-50 generator was the source of centimeter-band SHF energy.

Moreover, considering that the reactions of a healthy and an ill body to the same effect have important significance to evaluation of harmful environmental factors, in our research we modeled the most frequently encountered pathological state--hypertension--in rats, and we took account of the indices of two animal age groups--sexually mature and sexually immature.

A functional load--hypoxic hypoxia, created in an altitude chamber--was used to reveal latent effects of the action of SHF energy on the body.

17

GOVERNMENT USE ONLY



GOVERNMENT USE ONLY

The animals were "raised" to an altitude of 8 km and maintained "there" for 20 minutes. Readings were taken prior to "ascent," at 3, 6, and 8 km altitudes, and then after 5, 10, 15, and 20 minutes at this altitude; readings were subsequently taken during "descent," at 6, 3, and 0 km, and upon recovery, after 5 and 10 minutes.

The experiments were conducted on rats and rabbits. The rabbits were divided into seven groups: 1--Control (intact animals), 2--animals irradiated by SHF energy with a PFD of  $500 \mu\text{w}/\text{cm}^2$  for 7 hours, and groups 3, 4, 5, and 7--animals irradiated by an SHF field with a PFD of  $50 \mu\text{w}/\text{cm}^2$  for 10 days, 7 hours per day. Among these, group 3 contained mature animals and group 4 contained immature animals; group 5 was subjected to analysis 1 month after irradiation was terminated; group 7 contained animals in which renal hypertension was reproduced; group 6 contained animals with renal hypertension not subjected to irradiation.

There were two groups of rabbits. Group 1--control (intact), and group 2--irradiated by SHF energy with a PFD of  $500 \mu\text{w}/\text{cm}^2$  for 7 hours.

Each group contained 10 animals. Weights were 220-250 gm for adult rats, 80-100 gm for immature rats, and 2.8-3.0 kg for rabbits.

Cerebral biopotentials were recorded from rats by needle electrodes implanted subcutaneously above the visual and motor areas of the brain with a spacing of 1 cm between them. Cerebral biocurrents were recorded from rabbits in the same way as from rats, except that the spacing between electrodes was 2 cm. The electroencephalograms were recorded by a 4EEG-3 ink-recording encephalograph. This instrument also recorded electrocardiograms and respiration frequency.

Intratissue circulation rate was determined with differential thermocouples. Oxygen tension in the tissues was recorded polarographically with exposed platinum electrodes. A TPDM-1 electronic thermometer was used to determine animal tissue temperature.

Among indices of water-salt metabolism, we considered daily diuresis, specific weight, concentration of hydrogen ions, titrational acidity, sugar, protein, chloride concentration, and the total chloride quantity in urine.

The research established that different body functions reacted in different ways to the selected factors. Imposition of a hypoxic load upon the animals permitted us to obtain additional data indicating specific features in the changes in functional indices during the period of recovery after irradiation.

We recorded differences in the functional parameters of the animals depending on the PFD of the SHF energy and the exposure time. Thus the experimental results indicate that body reactions exhibit changes of greater significance

15

GOVERNMENT USE ONLY

in response to single irradiation (PFD of  $500 \mu\text{w}/\text{cm}^2$  for 7 hours) than in response to fractional irradiation (PFD of  $50 \mu\text{w}/\text{cm}^2$ , 7 hours a day for 10 days). These changes manifested themselves as more highly pronounced inhibition of hemodynamics, water-salt metabolism, and cerebral bioelectric activity.

An analysis of the research showed that the most significant changes in intratissue temperature were recorded from animals irradiated by an SHF field with a PFD of  $500 \mu\text{w}/\text{cm}^2$  for 7 hours (up to  $33.0^\circ\text{C}$ ,  $P < 0.05$ ), and from animals with reproduced renal hypertension irradiated by a PFD of  $50 \mu\text{w}/\text{cm}^2$  for 10 days, 7 hours per day, while experiencing the dynamics of a hypoxic load ( $34.3^\circ\text{C}$ ,  $P < 0.05$ ). The reductions in the intratissue temperature of the animals indicate a corresponding change in the body's energy processes.

The most highly pronounced changes in frequency of respiratory movements in response to an SHF field were noted among animals with renal hypertension; after being irradiated by a PFD of  $50 \mu\text{w}/\text{cm}^2$  for 10 days their respiration frequency increased by 1.5 times over the control level ( $P < 0.05$ ). Simultaneously we observed faster respiration by animals after irradiation by a PFD of  $500 \mu\text{w}/\text{cm}^2$  for 7 hours and by a PFD of  $50 \mu\text{w}/\text{cm}^2$  for 10 days, 7 hours per day (group 3).

As a way of compensation, the frequency of cardiac contractions in rats experiencing a hypoxic load increased until an altitude of 6 km was reached, after which the frequency was observed to decline. The most drastic changes in cardiac contraction frequency were noted among animals irradiated by an SHF field with a PFD of  $500 \mu\text{w}/\text{cm}^2$  for 7 hours, and among irradiated animals suffering reproduced renal hypertension.

Published data also indicate a dependence of the extent to which cardiac activity changes are pronounced on the wave band and irradiation conditions (1,2).

Oxygen tension in the tissues of experimental animals subjected to irradiation by SHF energy increased over the control level. Thus when rats were irradiated by a PFD of  $500 \mu\text{w}/\text{cm}^2$  for 7 hours (group 2) the oxygen tension in the tissues was 68.2 mm Hg, which exceeded the  $p\text{O}_2$  of intact animals by a factor of two ( $P < 0.05$ ). After animals were irradiated by an SHF field with a PFD of  $50 \mu\text{w}/\text{cm}^2$  for 10 days, 7 hours per day (group 3), once again the  $p\text{O}_2$  increased to 61.3 mm Hg, significantly above the control level ( $P < 0.05$ ).

The tissue oxygen tension of rats normalizes 30 days after irradiation (group 5).

Oxygen tension in animals with experimental hypertension (group 6) was 46 mm Hg, which was significantly different from control. When rats suffering hypertension were irradiated by a dose of  $50 \mu\text{w}/\text{cm}^2$  for 10 days, 7 hours per day (group 7), the  $p\text{O}_2$  increased even more ( $P < 0.05$ ). These data

D)  
GOVERNMENT USE ONLY

GOVERNMENT USE ONLY

indicate differences in the reactions of an ill body and a healthy body to SHF field exposure.

The rate of intratissue circulation changes in response to SHF energy exposure, but significant differences were noted only in group 7. We should note that when hypoxia induced by an altitude chamber is employed, the intratissue circulation rate decreases more slowly in irradiated animals than in control animals.

Changes in relation to control were noted in the QRS complex of electrocardiograms recorded from animals in groups 2, 3, 4, and 7.

On analyzing cerebral bioelectric activity we revealed the most significant changes in animals of groups 2, 3, 4, and 7 ( $P < 0.05$ ). Cerebral biopotential amplitude increased somewhat in response to an SHF field, while frequency decreased. These deviations from control exhibited in the electroencephalograms of experimental rats were revealed during a functional load in the presence of hypoxic hypoxia (8 km, 20 minutes). They were most highly pronounced among animals in group 2 ( $500 \mu\text{w}/\text{cm}^2$ , 7 hours).

Data obtained on the effect of an SHF electromagnetic field on kidney function and water-salt metabolism indicated that daily diuresis, chloride elimination, and the acid-base balance are the most sensitive. The SHF energy PFD we worked with ( $50$  and  $500 \mu\text{w}/\text{cm}^2$ ) have an inhibitory effect upon the water and salt eliminating function of the kidneys and upon excretion of free hydrogen ions. In addition to quantitative changes in these indices, we noted certain qualitative differences (arise of moderate albuminuria) as the dose was increased. The quantitative and some qualitative changes in kidney function and water-salt metabolism are directly dependent upon the intensity of SHF radiation: The higher the PFD, the more highly pronounced are the functional changes.

All changes in the condition of the kidneys and in water-salt metabolism in response to an SHF field were reversible in our experiments, normalization occurring 30 days after irradiation was terminated.

On analyzing the effect of an SHF field on functional indices of the bodies of rabbits we found that these changes were unidirectional, similar to the situation we revealed in rats. However, the extent to which the changes were pronounced and the extent of their recovery were somewhat different depending on the animal species. The acquired data indicate general biological laws governing reactions of the bodies of different animal species to the effect of SHF energy. This provides the grounds for hypothesizing that the mechanism of action of SHF energy is comparable in different animal species.

The results of research on animals exposed to SHF energy permits the assertion that there is a significant decline in intratissue temperature, a decrease in the frequency of cerebral biopotential oscillations, an increase in tissue oxygen tension, and a rise in respiration frequency.

20

GOVERNMENT USE ONLY

GOVERNMENT USE ONLY

Application of a functional load--hypoxia--permitted us to additionally reveal functional changes in the body in response to dynamic external factors.

Tracing the changes in body indices depending on dose and time of exposure to SHF energy appeared interesting. In our research we compared these indices among animals irradiated by PFD of 50 and 500  $\mu\text{w}/\text{cm}^2$ . Comparison of these data established that significant changes occur in indices describing intratissue temperature, the frequency of cardiac contractions and respiratory movements, tissue oxygen tension, and cerebral bioelectric activity when a functional load is employed. Changes of greater significance were revealed in animals subjected to a single exposure of SHF energy with a PFD of 500  $\mu\text{w}/\text{cm}^2$  (group 2), as compared to changes experienced in response to irradiation by a PFD of 50  $\mu\text{w}/\text{cm}^2$  10 times (group 3).

On comparing data obtained from intact animals with data from animals in which renal hypertension was modeled, we revealed significant differences in the frequency of respiratory movements and cardiac contractions, tissue oxygen tension, and cerebral bioelectric activity.

Analysis of the recovery period following exposure to SHF energy demonstrated that the principal indices of the irradiated animals returned to control levels 30 days after irradiation (PFD of 50  $\mu\text{w}/\text{cm}^2$ ); when a functional load was employed we also recorded some differences in these indices, which indirectly attests to incomplete recovery of physiological functions during this period.

And so, the biological effect of the action of SHF energy was recorded in some indices describing hemodynamics, cerebral bioelectric activity, the cardiovascular system, the respiratory organs, thermoregulation, and water-salt metabolism. We were able to establish specific features in the reactions of a healthy body and an ill body dependent upon age, and to reveal the general laws governing biological action of SHF energy upon different animal species.

## BIBLIOGRAPHY

1. Gordon, Z. V., in "Trudy in-ta gigiyeny truda i profzabolevaniy AMN SSSR" (Works of the Institute of Labor Hygiene and Occupational Diseases, USSR Academy of Medical Sciences), Moscow, Issue 2, 1964, p 57.
2. Zhurakovskaya, N. A., in "Gigiyena naselennykh mest" (The Hygiene of Populated Areas), Kiev, Izd-vo Zdorov'ya, Issue 14, 1975.
3. Yershova, L. K., and Dumanskiy, Yu. D., in "Gigiyena naselennykh mest," Kiev, Izd-vo Zdorov'ya, Issue 14, 1975, p 89.

COPYRIGHT: VRACHEBNOYE DELO, 1976

11004  
CSO: 1870

2.1

GOVERNMENT USE ONLY

GOVERNMENT USE ONLY

UDC: 613.167-036.11

## EFFECTS ON THE ORGANISM OF BRIEF DAILY EXPOSURE TO LOW-FREQUENCY ELECTROMAGNETIC FIELDS

Moscow GIGIYENA I SANITARIYA in Russian No 4, 1977 pp 18-21.

[Article by I. P. Kozyarin, Prof R. D. Gabovich and V. M. Popovich, submitted 7 Sep 76]

[Text] Experimental studies were conducted at the Kiev Scientific Research Institute of General and Municipal Hygiene for the purpose of hygienic evaluation of electromagnetic fields of industrial frequency (EMFIF) in populated areas; it was found that the threshold level of EMFIF is 2 kV/m in the case of constant 24-hour operation over a 4-month period, and it is 0.5 kV/m when inactive. At the same time our interviews revealed that different groups of people, who either perform different types of work in the area where there are power lines [or transmission] or who travel under them, can be exposed daily to rather intensive EMFIF but more briefly, usually from 10-15 min to 2 h per day.

In view of the foregoing, we made an experimental study on animals of the distinctive features of biological effects of EMFIF varying in voltage, in the case of brief daily exposure. We submit here the results of studies conducted with 2-h exposure.

This study was pursued on 200 white male rats, which were put in special cages with a simulated electric field of 50 Hz frequency generated by NOM-10 transformers. The first group of animals served as a control. The rats in the 2d group were exposed to fields of 1 kV/m for 2 h daily for 4 months; the 3d group to fields of 2 kV/m, 3d to 4 kV/m, 5th to 7 kV/m and 6th to 15 kV/m daily, for the same period of time.

The Table summarizes the results of studies conducted at the end of the experiment; we have submitted mainly indices with respect to which a marked and reliable difference was demonstrated between the control and experimental groups of animals. In the course of the experiments, we failed to record signs of deviations in behavioral reactions of experimental groups of animals as compared to the control, but toward the end of the experiment, we observed some change in color of pelage, which also developed small areas of alopecia,

22

GOVERNMENT USE ONLY

In the fifth and sixth groups of animals, as well as a reliable decrease in weight gain and efficiency (shorter time of swimming with a load corresponding to 10% of body weight).

Indices of animals' condition toward the end of the experiment

Index	Statistical index	Animal groups					
		1st control	2d 1 kV/m	3d 2 kV/m	4th 4 kV/m	5th 7 kV/m	6th 15 kV/m
Animals weight, g	M ±m	295,2 10,7	285,3 11,5	270,3 14,0	283,3 11,1	261,6 10,1	253,9* 10,7
Swimming test, min	M ±m	6,8 0,4	6,5 0,9	7,3 0,9	8,6 1,2	3,9* 0,3	4,4* 0,9
Correlation between chronaxia of antagonist muscles (extensors to flexors)	M ±m	1,9 0,2	1,6 0,2	1,6 0,2	1,6 0,1	0,5* 0,08	0,4* 0,04
Threshold summation index, V	M ±m	11,7 0,5	11,2 0,3	11,7 0,5	12,0 0,4	17,3* 0,2	19,1* 0,1
Blood cholinesterase activity, µg/ml/min	M ±m	130,8 3,3	127,3 6,0	128,6 5,8	128,6 5,8	134,5 4,1	150,2* 6,5
Maximum radioiodine uptake by thyroid, %	M ±m	59,4 3,6	52,7 2,2	55,2 2,6	52,4 2,8	40,8* 1,9	47,2* 3,7
Blood glucose level, mg%	M ±m	77,5 1,8	61,3 4,4	83,3 4,0	80,7 2,9	85,5* 1,3	86,7* 2,9
Blood residual nitrogen level, mg%	M ±m	24,8 0,9	25,3 1,6	26,7 1,2	26,2 1,0	28,2* 0,9	30,3* 1,2
Blood urea, mg%	M ±m	29,7 1,8	30,7 1,8	33,4 2,4	32,5 2,1	39,8* 1,6	40,5* 2,1

\*P<0.05.

Studies of physical condition of personnel servicing high-tension substations, pursued at the All-Union Scientific Research Institute of Labor Safety, revealed that individuals whose work involved exposure to EMFIF presented, first of all, changes referable to functional state of the nervous system, to which we devoted special attention.

With reference to indices of functional state of the nervous system, the earliest changes (in the 5th and 6th groups of rats, after the end of the 1st month of exposure) were referable to the threshold summation index and latency period of the reflex. The same animals presented a reliable decrease of the ratio between chronaxia of antagonist muscles of the crux (see Table). These changes were demonstrable after the end of the 2d month (6th group) and 3d month (5th group) of exposure, and they progressed thereafter. At first, the decline of ratio between muscular chronaxia was referable mainly to an increase in chronaxia of flexors. Then, along with

GOVERNMENT USE ONLY

increased chronaxia of flexors, we recorded a decrease thereof in extensors, which resulted in lowering the ratio index. In the opinion of Lapicque (the author of chronaxia theory), the differences in levels of antagonist chronaxia observed under normal conditions are determined by the influence of the nuclei rubri of the brain, the "subordination centers." For this reason, it may be assumed that the changes we demonstrated in chronaxia, in the 5th and 6th groups of rats, are related to weakening of subordinating influence of the central nervous system on the periphery.

On the whole, the nervous system changes described in experimental animals are indicative of impairment of dynamic equilibrium between excitatory and inhibitory processes in the cerebral cortex, with predominance of the latter.

The increased blood cholinesterase activity in animals of the 5th and 6th groups may be indicative of impaired biochemical homeostasis, which implements stability of nervous processes.

A study of thyroid function revealed that, starting in the 3d experimental month, there was some depression of thyroid function in the 5th and 6th groups of animals, as indicated by decline of maximum uptake of  $^{131}\text{I}$  (see Table). Consequently, neuroendocrine regulation of the organism also undergoes changes under the prolonged influence of EMFIF. This also affected metabolic processes to some extent. In particular, we observed elevation of residual nitrogen, urea and glucose levels in the blood of animals exposed to 7 and 15 kV/m EMFIF.

The increased activity of blood lactate and succinate dehydrogenases and elevation of parameters of respiration and phosphorylation of liver mitochondria, which was observed with 7 and 15 kV/m fields, is indicative of the effect of the factor under study on energy metabolism. It was also noted that the respiratory chain of liver mitochondria phosphorylated less ADP than in the control, in the case of utilization of succinate and  $\alpha$ -ketoglutarate. Evidently, EMFIF have the capacity to injure the mitochondrial and endoplasmic membranes. In peripheral blood, only a reliable decrease in reticulocytes was demonstrable in the 6th group of animals after the 2d and 3d month of exposure to EMFIF, after which there was gradual normalization. We failed to demonstrate appreciable changes in indices of nonspecific immunity in experimental groups of animals.

At the end of the experiment, the 6th group of animals presented a reliable increase in ascorbic acid level of the adrenals, as well as in relative weight of the testes, which revealed dystrophic and destructive changes in cells of the spermatogenic epithelium and interstitial tissue.

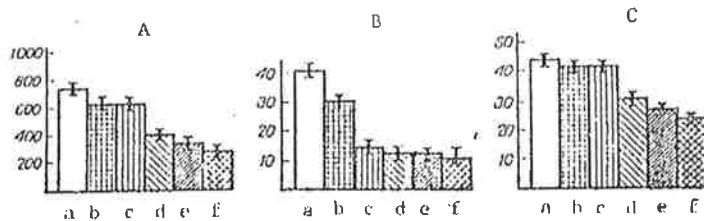
The Figure illustrates levels of some trace elements in the liver (the most important reservoir of trace elements). We see that even exposure to 4 kV/m leads to a reliable depletion of iron, copper and molybdenum, the metabolism of which is closely interrelated. A reliable decrease in iron level in the liver, as well as a number of other organs (brain, bones, etc.) was

14

GOVERNMENT USE ONLY

GOVERNMENT USE ONLY

demonstrated even in the 2d group of animals exposed to 1 kV/m fields; however, in this instance we failed to observe changes in iron level of blood, which was indicative of possible preservation of homeostasis under these conditions.



Trace element content of liver after 4-month exposure of animals to EMFIF

A) copper (µg%)	a) control	d) 4 kV/m
B) iron (mg%)	b) 1 kV/m	e) 7 kV/m
C) molybdenum (µg%)	c) 2 kV/m	f) 15 kV/m

All of the described changes were reversible and they disappeared within 30-45 days after discontinuing irradiation.

The results of these experimental studies on animals indicate that, according to most parameters, the threshold level of field voltage is 7 kV/m and subliminal level is 3-7 kV/m. For this reason, we supplemented this study with observations of 10 volunteers who remained in a 5 kV/m electric field for 2 h daily for 1 month; the field was generated by a superhigh-voltage 330 kV power line under natural conditions. These dynamic observations (lability of nervous processes of the central nervous system studied on the basis of volume of operational memory and capacity for concentration, bioelectric activity of the cerebral cortex, dynamometry, examination of autonomic nervous system, cardiovascular system according to EKG with measured physical load; study of some aspects of metabolic processes by assaying blood glucose, residual nitrogen and urea; study of indices of nonspecific immunity by assaying titer of complement and lysozyme; overall bactericidal properties of blood serum) failed to demonstrate appreciable changes, as compared to background data. The volunteers made no complaints throughout the observation period.

#### Conclusions

1. Superhigh tension power lines of 330, 500, 750 kV or more are linear sources of low-frequency electromagnetic fields in populated areas, around which the EMFIF reaches a level of 12-17 kV/m, and there are some groups of people who could be exposed to it for 10-15 min to 2 h.

GOVERNMENT USE ONLY



GOVERNMENT USE ONLY

2. Daily (2 h) expose to EMFIF for 4 months, with fields of 7 and 15 kV/m, elicits adverse changes in experimental rats, which are referable to body weight, efficiency, threshold summation index, latency period of reflex, ratio between chronaxia of antagonist muscles, blood cholinesterase activity, blood urea, residual nitrogen and glucose content, thyroid function, composition of peripheral blood, state of energy metabolism, balance and inter-organic distribution of trace elements and morphology of internal organs.

3. Exposure of white rats to EMFIF leads to a significant change in balance and distribution of trace elements in the organs, and their levels rise with increase in field tension, so that this is a rather sensitive criterion of the effects of this factor.

4. The results of our experimental investigations revealed that 7 kV/m is the threshold voltage (according to most indices) in the case of 2-h exposure and 4 kV/m is the subliminal level. Observations of volunteers revealed that exposure to 5 kV/m elicits no changes. By virtue of all of the foregoing, a field level of 5 kV/m can be recommended as the maximum permissible voltage of brief (not more than 2 h) exposure of people in the range of action of electric fields of 50 Hz frequency.

COPYRIGHT: GIGIYENA I SANITARIYA, 1977

10,657  
CSO: 1870

26

GOVERNMENT USE ONLY

UDC 621.315.17:621.784.3

THE INFLUENCE OF THE ELECTRICAL FIELD OF AN ELECTRICAL POWER TRANSMISSION  
LINE ON COMMUNICATIONS LINES SERVICE PERSONNEL

Moscow ELEKTROSVYAZ' in Russian No 3, 1977 pp 30-34

[Article by V.F. Kalyuzhnyy and M.I. Mikhaylov]

[Text] A three-phase, alternating current, electrical power transmission line (LEP) at a voltage of up to 220 KV, when intersecting or coming close to an open wire communications line (LS) can have a dangerous effect on the service personnel of the communications line only if a person comes in direct contact with the communications wire which is located in the electrical field of the LEP.

When communications lines come close to or intersect electrical power transmission lines with voltages of 330, 500, 750 KV and above, as has been established by special research, the electromagnetic field of these lines also becomes dangerous to the line service personnel even if a person does not touch the communications wires, but is located underneath the LEP conductors or at a communications line support pole running parallel and close to the ultrahigh voltage line, or intersecting this line.

Medical research [1, 2] has established the fact that a harmful influence is exerted on the human organism not primarily by the magnetic field, but by the electrical field of a three-phase LEP with a line voltage of from 330 KV and above. The Industrial Safety Institute of the USSR Public Health Ministry, in conjunction with the Power Engineering Ministry of the USSR have established norms for the permissible amount of time spent by service personnel in the electrical field an LEP, depending on its voltage, based on the research which has been carried out [3] (Table 1).

TABLE 1.

Electrical Field Intensity KV/m	5	10	15	20	25
Time allowed for a person to stay in the electrical field	Unlimited time	Up to 3 hours	Up to 1.5 hours	No more than 10 minutes	No more than 5 minutes

27  
GOVERNMENT USE ONLY

GOVERNMENT USE ONLY

It follows from the data of the table that open wire communications lines have to be positioned at distances from electrical power transmission lines such that the electrical field intensity of the LEP around the communications line does not exceed 5 KV/m.

In accordance with the table, we shall determine the boundaries of the dangerous zones around electrical power transmission lines with voltages of 330, 500, 750 and 1,200 KV. By means of solving Maxwell's equations, we shall compute the potentials and the intensities of the electrical fields of three-phase electrical power transmission lines at different line voltages. Shown in Figure 1 are a section through a three-phase LEP, positioned above the ground, and the mirror image of the conductors. Indicated in the drawing are all the quantities included in the equation for the determination of the potentials and intensities at the point  $P(x,y)$ :  $b_1, b_2$  and  $b_3$  are the heights at which the conductors are suspended;  $s$  is the distance between the phases above the surface of the ground;  $a_{1P}, a_{2P}, a_{3P}, a_{1P'}, a_{2P'}$  and  $a_{3P'}$  are the distances from the LEP conductors and their mirror images to  $P(x,y)$ . Zone I corresponds to points  $P(x,y)$  located above the ground between the center and outside phase; Zone II corresponds to the points  $P(x,y)$  located beyond the projections of the outside phases.

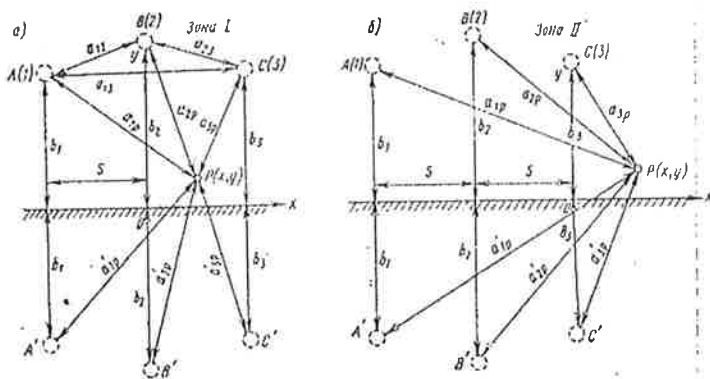


Figure 1.

The electrical field potential at any point  $P(x,y)$  is found as the sum of the potentials produced by each conductor of the electrical power transmission line individually, i.e.

$$U_p(x,y) = U_{1P} + U_{2P} + U_{3P} \quad (1)$$

It is known from the theory for the electrical influence of a three-phase electrical power transmission line on a communications line [4] that the

potential induced in an insulated conductor strung parallel to a three-phase electrical powered transmission line, determined from the equation:

$$U_p = \frac{U_\phi \left[ -\alpha_{p1} + \frac{1}{2}(\alpha_{p2} + \alpha_{p3}) + i \frac{\sqrt{3}}{2}(\alpha_{p2} - \alpha_{p3}) \right]}{\alpha_{11} - \alpha_{12}} + \frac{U_0 (\alpha_{p1} + \alpha_{p2} + \alpha_{p3})}{\alpha_{11} + 2\alpha_{12}} \quad (2)$$

It is obvious that this same formula also applies for the determination of the potential at the point P(x,y) in the air space located at the suspension level of the insulated communications line conductor. The symbols included in the formula mean the following:  $U_\phi$  is the phase voltage of the three-phase electrical transmission line;  $U_0$  is the residual voltage of the three-phase electrical power transmission line system with respect to ground;  $\alpha_{p1}$ ,  $\alpha_{p2}$ ,  $\alpha_{p3}$ ,  $\alpha_{11}$ , and  $\alpha_{12}$  are potential coefficients (for example,  $\alpha_{11} = \frac{1}{2\pi\epsilon} \ln \frac{2b_1}{r}$ ; r is the equivalent radius of a separate phase of the electrical power transmission line).

Assuming that  $U_0 = 0$ , the absolute value of the complex electrical field intensity underneath the conductor and close to the LEP conductors at the point P(x,y) can be defined as:

$$E_p(x,y) = \frac{CU_\phi}{2\pi\epsilon} \sqrt{\left| \frac{\partial U_p(x,y)}{\partial x} \right|^2 + \left| \frac{\partial U_p(x,y)}{\partial y} \right|^2} \quad (3)$$

Where  $\frac{\partial U_p(x,y)}{\partial x}$ ,  $\frac{\partial U_p(x,y)}{\partial y}$  are partial derivatives of the expression for finding the potential at the point P(x,y); C is the capacitance of the "phase to ground" per unit length of line, in F/m.

We will write the expressions for the potential at the point P(x,y) and its derivatives for the first and second zones (beneath the conductors and close to the conductors of the electrical power transmission line respectively) with a horizontal arrangement of the conductors. In this case,  $b_1 = b_2 = b_3$ . For the first zone (Figure 1a):

$$U_p(x,y) = \frac{CU_\phi}{2\pi\epsilon} \left[ \ln \sqrt{(b_1 + y)^2 + (s+x)^2} - \ln \sqrt{(b_1 - y)^2 + (s+x)^2} + (0.5 + 10.866) \left( \ln \sqrt{(b_1 - y)^2 + x^2} - \ln \sqrt{(b_1 + y)^2 + x^2} + (0.5 - 10.866) \left( \ln \sqrt{(b_1 - y)^2 + (s-x)^2} - \ln \sqrt{(b_1 + y)^2 + (s-x)^2} \right) \right] \right. \\ \left. - \frac{\partial U_p(x,y)}{\partial x} = -\frac{CU_\phi}{2\pi\epsilon} \left[ \frac{1}{(s+x)} \left( \frac{1}{(b_1 + y)^2 + (s+x)^2} - \frac{1}{(b_1 - y)^2 + (s+x)^2} \right) + \right. \quad (4)$$

GOVERNMENT USE ONLY

$$+ (0.5 + 10,866)x \left( \frac{1}{(b_1 - y)^2 + x^2} - \frac{1}{(b_1 + y)^2 + x^2} \right) -$$

$$- (0.5 - 10,866)(s - x) \left( \frac{1}{(b_1 - y)^2 + (s - x)^2} - \frac{1}{(b_1 + y)^2 + (s - x)^2} \right) \quad (5)$$

$$- \frac{\partial U_p(x, y)}{\partial y} = - \frac{CU_\phi}{2\pi\epsilon} \left[ \frac{b_1 + y}{(b_1 + y)^2 + (s + x)^2} + \frac{b_1 - y}{(b_1 - y)^2 + (s + x)^2} \right]$$

$$- (0.5 + 10,866) \left( \frac{b_1 - y}{(b_1 - y)^2 + x^2} + \frac{b_1 + y}{(b_1 + y)^2 + x^2} \right) -$$

$$- (0.5 - 10,866) \left( \frac{b_1 - y}{(b_1 - y)^2 + (s - x)^2} + \frac{b_1 + y}{(b_1 + y)^2 + (s - x)^2} \right) \quad (6)$$

For the second zone (Fig. 1b)

$$U_p(x, y) = \frac{CU_\phi}{2\pi\epsilon} \left[ \ln \sqrt{(b_1 + y)^2 + (2s + x)^2} - \ln \sqrt{(b_1 - y)^2 + (2s + x)^2} + \right.$$

$$+ (0.5 + 10,866) \left( \ln \sqrt{(b_1 - y)^2 + (s + x)^2} - \ln \sqrt{(b_1 + y)^2 + (s + x)^2} + \right.$$

$$\left. \left. + (0.5 - 10,866) \left( \ln \sqrt{(b_1 - y)^2 + x^2} - \ln \sqrt{(b_1 + y)^2 + x^2} \right) \right] \quad (7)$$

$$- \frac{\partial U_p(x, y)}{\partial x} = - \frac{CU_\phi}{2\pi\epsilon} \left[ (2s + x) \left( \frac{1}{(b_1 + y)^2 + (2s + x)^2} - \frac{1}{(b_1 - y)^2 + (2s + x)^2} \right) + \right.$$

$$+ (0.5 + 10,866)(s + x) \left( \frac{1}{(b_1 - y)^2 + (s + x)^2} - \frac{1}{(b_1 + y)^2 + (s + x)^2} \right) +$$

$$\left. + (0.5 - 10,866)x \left( \frac{1}{(b_1 - y)^2 + x^2} - \frac{1}{(b_1 + y)^2 + x^2} \right) \right] \quad (8)$$

$$- \frac{\partial U_p(x, y)}{\partial y} = - \frac{CU_\phi}{2\pi\epsilon} \left[ \frac{b_1 + y}{(b_1 + y)^2 + (2s + x)^2} + \frac{b_1 - y}{(b_1 - y)^2 + (2s + x)^2} - \right.$$

$$- (0.5 + 10,866) \left( \frac{b_1 - y}{(b_1 - y)^2 + (s + x)^2} + \frac{b_1 + y}{(b_1 + y)^2 + (s + x)^2} \right) -$$

$$\left. - (0.5 - 10,866) \left( \frac{b_1 - y}{(b_1 - y)^2 + x^2} + \frac{b_1 + y}{(b_1 + y)^2 + x^2} \right) \right] \quad (9)$$

In calculating the magnitudes of the electrical field intensity at various points above the surface of the ground and below the conductors of the LEP, and to the side from it at different distances, we will use Table 2, where the LEP parameters are given for various line voltages. The magnitudes of the field intensity were computed for a point positioned at a height of  $y = 1.8$  m above the surface of the ground for electrical power transmission lines and voltages of 130, 500, 750, and 1200 kV with a span length of 400 m by means of substituting the data from the table in the formulas.

30

GOVERNMENT USE ONLY

TABLE 2.

Electrical Power Transmission Line Parameters	Line Voltage, KV			
	330	500	750	1200
Phase voltage $U_{\phi}$ , KV .....	190	289	434	694
Spacing between the phase conductors $s$ , in m .....	9.1/18.2	12.5/25	17.5/35	26.1/52.2
Number of conductors per phase .....	2	3	4	8
Equivalent phase radius, $r$ , in m ..	0.074	0.13	0.27	0.42
Suspension height of the conductor, $b$ , in m .....	22	22	23	24
Line clearance at the center of a span, $h$ , in m .....	7.5	8	9	11
Equivalent capacitance of the "phase to ground" circuit, $C$ , in F/m.....	$12.3 \cdot 10^{-12}$	$12.1 \cdot 10^{-12}$	$134 \cdot 10^{-12}$	$14.1 \cdot 10^{-12}$

The computations were performed on a computer; the resulting values of the intensity along the span at the points positioned at different distances "x" from the axis of the electrical power transmission lines, as well as in a direction perpendicular to it, are represented in the form of curves for  $E = \Phi(x)$ , which are depicted in Figures 2-5. Additionally, indicated in these figures at intervals of 5 KV/m are the zones of dangerous influence of the electrical power transmission lines.

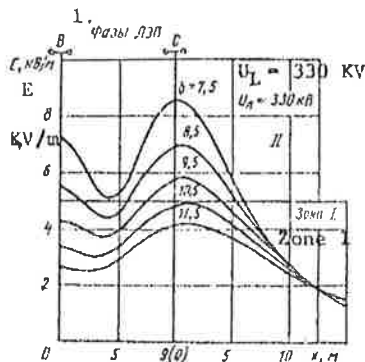


Figure 2.

Key: 1. Electrical power transmission line phases.

GOVERNMENT USE ONLY

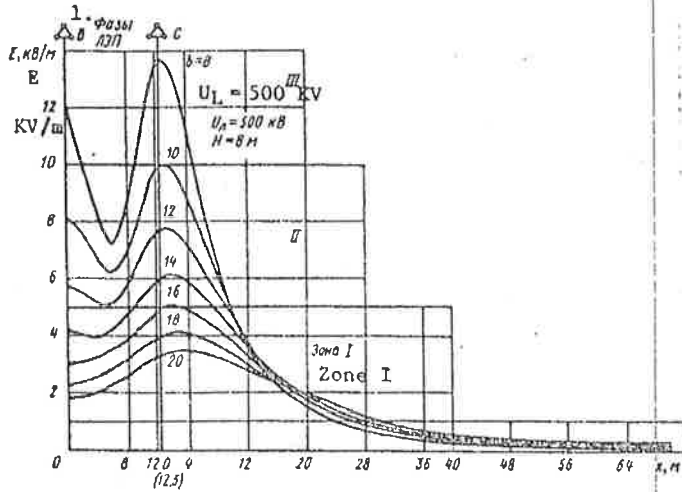


Figure 3  
1. Electrical power transmission line phases.

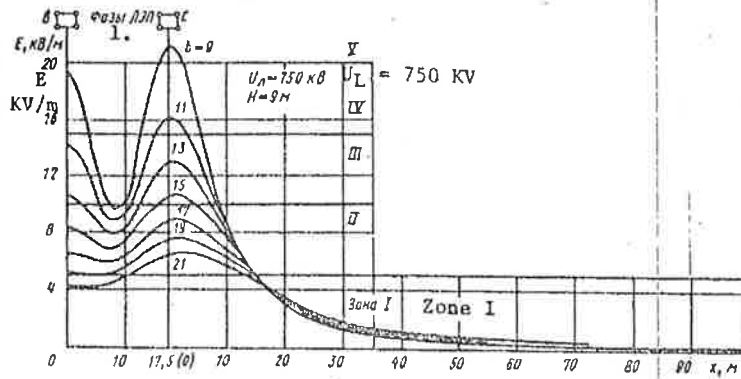


Figure 4  
1. Electrical power transmission line phases.

GOVERNMENT USE ONLY

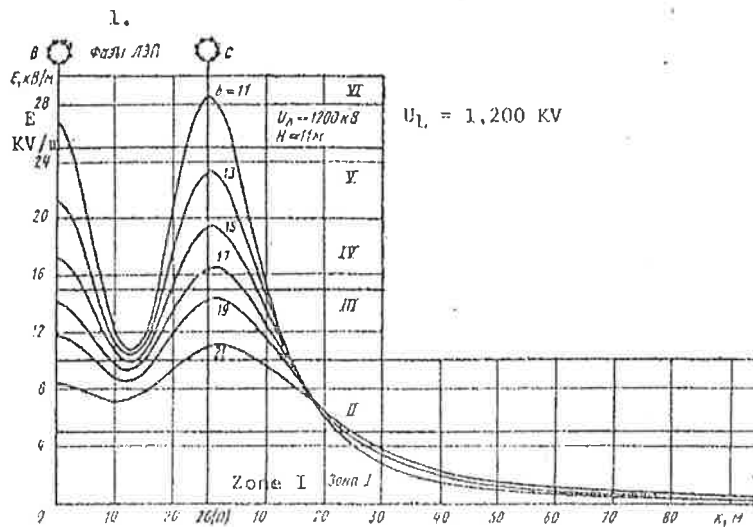


Figure 5

1. Electrical power transmission line phases.

It can be seen from an analysis of the curves that it is most dangerous for a person to be located in the center of the span, where the LEP conductor is positioned at the minimum height, and it is least dangerous close to the support, where the conductors are at a maximum distance from the ground.

If values of  $E = 5$  KV/m and less are adopted as the permissible values which are not dangerous to human health [3], then for a 330 KV LEP, the safe zone is the one located 5 - 6 meters beyond the projection of the end conductor onto the surface of the ground at the center of the span, and for 500, 750, and 1200 KV LEPs, beyond limits of 10, 15, and 25 meters respectively.

For the purpose of protecting the line service personnel of open wire communications lines against the harmful effects of the electrical field of LEPs when carrying out structural and repair operations, on sections which are close or intersect, it is necessary to replace the open wire line by cable inserts, the length of which are given in Table 3.



GOVERNMENT USE ONLY

TABLE 3

$U_L$ , KV	330	500	750	1200
$l$ , m	43	57	77	115

Note: The above table is compiled for an intersection angle of  $\alpha = 90^\circ$ . If the intersection occurs at an angle of  $\alpha < 90^\circ$ , then the length of the cable inserts are  $l_x = l/\sin \alpha$ .

On sections which run parallel and are close, when the distances between the closest conductor of the LEP and the communications line are equal or less than the critical amount obtained by calculation, the open air lines should be replaced by a cable insert over the entire adjacent section.

If there are cable inserts on sections where open wire communications line intersect an LEP and have a length less than that indicated in Table 3, the work positions on the cable supports should be equipped with special grounded shielded nets which reduce the electrical field intensity down to the established norms. Where cable inserts are lacking, work on the supports of open air communications lines which are located in the zone of influence of a LEP electrical field, should be carried out only when using an individual shielding set, included in which are: a protective suit (a jacket and pants or one-piece suit), shielding head gear, and special electrically conductive foot wear [5,6].

## BIBLIOGRAPHY

1. Petrov F.I., "Deystviye elektromagnitnogo polya nizkoy chastoty na vysshuyu nervnuyu deyatel'nost'" ["The Effect of a Low Frequency Electromagnetic Field on Higher Nervous Activity"], TRUDY INSTITUTA FIZIOLOGII IMENI PAVLOVA I.P., Vol. 1, Moscow, 1952.
2. Sazonova T.Ye., "Funktional'nyye izmeneniya v organizme pri rabote v elektricheskom pole promyshlennoy chastoty vysokoy napryazhennosti" ["Functional Changes in an Organism When Working in an Industrial Frequency Electrical Field of High Intensity"], Author's abstract of dissertation presented for the candidate of engineering sciences degree, Leningrad, 1965, The All-Union Scientific Research Institute of Industrial Safety at Leningrad.

34

GOVERNMENT USE ONLY

GOVERNMENT USE ONLY

3. "Normy i pravila po okhrane truda pri rabotakh na podstantsiyakh i vozduzhnykh liniyakh elektroperedach napryazheniyem 400, 500 i 750 kV peregennogo toka promyshlennoy chastoty" ["Industrial Safety Standards and Regulations for Work at Industrial Frequency Alternating Current, 400, 500, and 750 KV Substations and Open Wire Electrical Power Transmission Lines"], Ministry of Public Health, Moscow, 1970.
4. Mikhaylov M.I., "Vliyaniye vneshnikh elektromagnitnykh poley na tsapi provodnoy svyazi i zashchitnyye meropriyatiya" ["The Influence of External Electromagnetic Fields on Wire Communications Circuits, and Protective Measures"], Svyaz'izdat Publishers, 1959.
5. Lebedev S.A., "Issledovaniye effektivnosti ekranov dlya zashchity cheloveka ot vozdeystviya elektricheskogo polya" ["A Study of Shield Effectiveness for Protecting a Person Against the Action of an Electric Field"] ELEKTRICHESKIYE STANTSII, 1969, No. 7.
6. Dolin P.A., Serebrennikov I.A., "Meri zashchiti ot vozdeystviya elektricheskikh poley vozduzhnykh liniy elektroperedachi 110 - 750 kV" ["Protective Measures Against the Action of the Electrical Fields of Open Wire, 110 - 750 KV Electrical Power Transmission Lines"], Report to the Scientific and Engineering Conference on "Elektrobezopasnost' v narodnom khozyaystve" ["Electrical Safety in the National Economy"], Moscow, 1969.

Article arrived at the editor: 10 September 1974.

COPYRIGHT: Izdatel'stvo Svyaz', ELEKTROSVYAZ', 1977

8225  
CSO:1870

GOVERNMENT USE ONLY

GOVERNMENT USE ONLY

UDC 577.3

ELECTRIC AND MAGNETIC PROPERTIES OF BIOLOGICAL MEMBRANES

Moscow PRIRODA in Russian No 3, 1977 pp 68-75

Article by Doctor of Chemical Sciences S. Ye. Bresler



Text Semen Yefimovich Bresler, doctor of chemical sciences, is head of the Laboratory of Biopolymers at the Leningrad Institute of Nuclear Physics imeni B. P. Konstantinov of the USSR Academy of Sciences and the Department of Biophysics at the Leningrad Polytechnical Institute. He is a student of A. F. Ioffe and D. L. Talmud. He is the author of a large number of works on physical chemistry of polymers and molecular biology and of the following books: "Fizika i Khimiya Makromolekul" Physics and Chemistry of Macromolecules (Leningrad, 1965; also published in Japan), "Molekulyarnaya Biologiya" Molecular Biology published in the USSR (Leningrad, third edition, 1973), United States (1971), Czechoslovakia (1968) and Poland (1972). At present he is engaged in problems of molecular biology and genetics.

36

GOVERNMENT USE ONLY

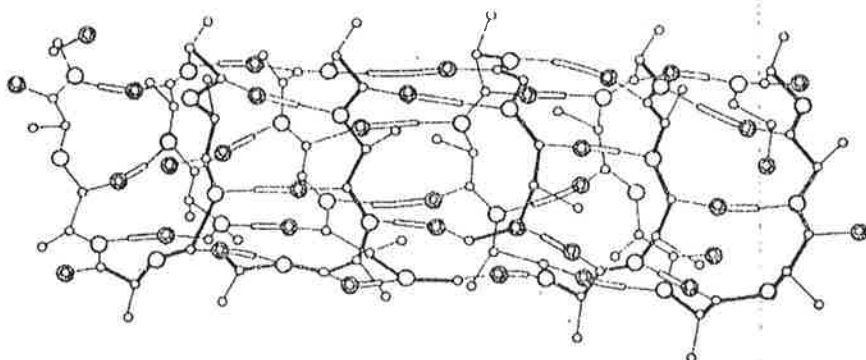
Electric phenomena play an important part in biology. As far back as 1791 in his first experiments in electrophysiology L. Galvani discovered muscular contraction in a severed leg of a frog when potentials of a small difference were applied to it. Sea animals (for example, the electric ray) capable of killing their catch with high-voltage electric discharges have been known for a long time. At first glance all this seems paradoxical. The intracellular fluid--cytoplasm--conducts electricity well. In conductivity its ionic medium corresponds approximately to a 0.15-molar solution of sodium chloride. In what way can marked differences in potentials be created in such a conducting medium? It is easy to answer this question if it is taken into consideration that all cellular membranes, as well as intracellular organelles (for example, mitochondria), consist of membranes formed by insulating lipids. Although the thickness of individual membranes is only 50-100 Å, potential differences on the order of 0.1 V are formed on each of them, which produces intramembrane fields on the order of 100,000 V/cm. As a result of summation sets of millions of membranes can produce the high voltages mentioned above.

The reason for the formation of membrane potential lies in the selective conductivity of membranes for some ions. For example, a membrane can be permeable to potassium, but not to sodium. Anions usually do not pass through the lipid layer. If on both sides of such a membrane potassium salt concentrations are different, potassium ions will diffuse through the membrane and create a potential difference on it (because anions cannot follow them), which will exactly balance the tendency of potassium toward diffusion. The so-called Nernst diffusion potential is formed. Now it has been firmly established that the potential jump on a membrane is exceptionally important. In particular, according to the modern theory of transmembrane transport (Mitchell's theory) the electric field inside a membrane creates flows of the necessary substances from the environment into the cell or from the cell to the environment.

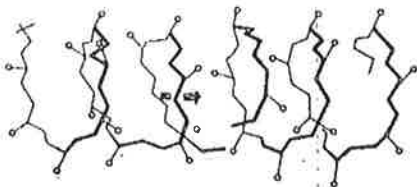
Today the structure and functions of membranes have been studied quite well. Laboratory models of biomembranes are even made. A layer made of a mixture of lipids is applied to a hole in a hydrophobic plate (made of polyethylene or teflon) under water. By measuring the capacity or electric conductivity, it is possible to observe how the lipid film becomes thinner. Finally, the thickness of the layer reaches 100 Å and a so-called "black spot" is formed (the name emphasizes its invisibility). In such a form a membrane can exist for many hours. Some substances, for example, ionophores, which transfer ions through a nonaqueous medium, can be introduced into the lipid. Then the lipid film becomes conducting for certain ions, which can be easily measured if a potential difference on the order of 0.1 V is applied to it. The electric properties of membranes greatly depend on the nature of the ionophore introduced into them. For example, the antibiotics alamethicin or gramicidin create pores or canals in the lipid film, through which single-charged cations penetrate selectively. It is interesting that, if the lipid film is frozen by cooling, the canals remain and the passage of ions through them does not stop.

GOVERNMENT USE ONLY

GOVERNMENT USE ONLY



A schematic spatial model of a complex consisting of two spiral gramicidin molecules. Below, the same complex without the side groups of the polypeptide chain (its size is 25-30 Å). The arrow points to the location of sodium or potassium cations inside the spiral.



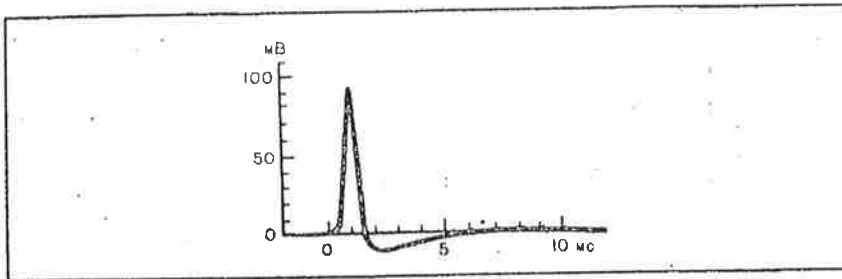
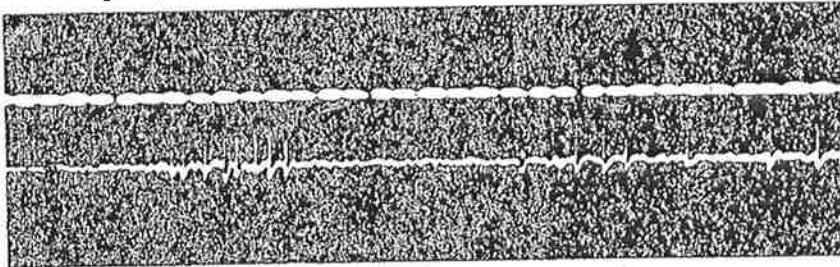
What is the molecular structure of the canals for the passage of ions? In most real membranes these canals are of a protein nature and their structure has not yet been studied. However, for the model membrane with gramicidin there are now hypotheses on the mechanism of its action.<sup>1</sup> Gramicidin is a polypeptide consisting of 15 amino acid radicals. Several gramicidin molecules form a complex convoluted into a spiral tubule and located perpendicularly to the membrane plane.

By measuring the electric conductivity of the film and knowing that at low concentrations of gramicidin it depends on its concentration approximately to the sixth-ninth power, it can be concluded that this complex consists of six-nine molecules. Since gramicidin spirals contain water repellent, hydrophobic groups on the outside and polar, hydrophilic groups inside, outside they are solvated (that is, moistened) with the lipid and inside they retain a canal for the passage of ions. Incidentally, similar so-called "canal complexes" have been known to physical chemistry for a long time.

When the electric properties of model membranes are studied, abrupt changes in electric conductivity with a change in the applied potential difference are observed, that is, nothing like the manifestation of the ordinary Ohm law. At the same time, some ionophores behave so that, as the voltage on the film is reduced, the current does not drop, but increases abruptly. As is known from oscillation physics, such an electric element with a "drooping

36  
GOVERNMENT USE ONLY

characteristic" is capable of generating electric oscillations. In fact, the model membrane reveals such properties. These phenomena shown on a relatively primitive "black spot" model have a direct bearing on one of the most important processes in biology--the formation of the electric nerve signal.



Key:

1. Mv 2. Ms (Color)

Above, an oscillogram of the electric activity of a neuron from the optical region of the cerebral cortex of a rabbit. A flash of light lasting 0.5 ms was produced before the animal's eyes at the moment indicated by the color. The neuron responded to the brief excitation of the sense organ with bundles of spikes. The time mark is recorded in the upper part of the diagram. Every oval spot denotes an interval of 10 ms (0.01 s). According to present ideas the information on the event (flash of light) transmitted to the brain is coded in these bundles of signals.

Below, the calculated single spike obtained according to Hodgkin's-Huxley's phenomenological theory. The characteristics of this phenomenon can be seen on it. The potential difference at a certain axon point is plotted along the ordinates and the time is indicated along the abscissas.

GOVERNMENT USE ONLY

GOVERNMENT USE ONLY

The potential jump on the external membrane of nerve cells (neurons) causes the formation of sharp electric signals running along the neurons, which, as modern physiology believes, serve as the material mechanism for the transfer of information in the nervous system of man and animal. It is possible to artificially obtain the basic element of this mechanism--spike (a single nerve signal)--if, for example, the potential jump is lowered several times on a small section of the membrane of the nerve cell, applying the external potential difference of the reverse sign. When the potential jump at a certain point of the membrane is suddenly reduced from 0.1 to 0.02 V, then the electric properties of the dielectric filling the membrane change abruptly. It begins to conduct electricity and, in particular, becomes permeable to sodium ions, which rush from the external medium inside the cells, because the membrane is charged positively on the outside. The ion current causes a reduction in the field in neighboring membrane points, where again conductivity occurs and thus a wave of an electric current running along the charged capacitor, nerve fiber or axon is formed. The oscillograph shows that a single impulse has a width of 0.5-1 ms and the rate of its propagation is equal to 10-50 m/s. When the impulse has run through the membrane, its electric properties change again. It no longer passes sodium ions, but conducts only potassium ions, potassium concentration within the cell being 30 times greater than outside the cell. Potassium ions diffuse into the external medium and again create a potential jump. Then the membrane is again ready for a spike. This preparation requires time on the order of only a 100th fraction of a second. The spike was thoroughly studied by A. L. Hodgkin, A. F. Huxley<sup>2</sup> and other researchers. By measuring the electric properties of an axon (an extension of a nerve cell), that is, the internal and external electric conductivity, as well as the membrane capacity, it was theoretically possible to predict the form of the signal and the rate of propagation by means of the solution of the so-called Kelvin's telegraph equation.

One of our figures shows an oscillographic recording of signals from a single neuron of a rabbit's cerebral cortex following the excitation of the optical nerve with a short flash of light. In this experiment attention should be drawn to the fine equipment. The electric signal is taken from a single brain cell, for which a metal electrode 2 microns thick is packed into it. Physiologists also implant such microelectrodes in people.

The calculated form of the spike computed according to Hodgkin's-Huxley's theory shows that, phenomenologically, the phenomenon is described correctly.

However, the main secret remained unraveled. The reason for such amazing changes in the electric properties of the membrane--occurrence of conductivity for sodium ions and liquidation for potassium ions at the moment of the spike start and return to the initial state after the membrane discharge--was unclear.

40  
GOVERNMENT USE ONLY

GOVERNMENT USE ONLY

It was established that inside the membrane there are special protein canals, separate for sodium and for potassium. This was shown by means of specific toxins. One of them, tetrodotoxin, blocks the canals for the passage of sodium, and the other, tetraethyl ammonium, the canals for potassium. It is not yet known how the canals open and close. First it seemed that the formation of spikes was the special privilege of nerve cells. Then it turned out that they could be observed on the most various objects. For example, they are observed on the paramecium (slipper limpet) in which they serve to transfer information on the change in the ionic composition of the environment and in filamentous nitella algae in which their physiological role is unclear. Then spike formation could be observed on artificial models--"black spots." It is believed that, when the voltage is lowered, the canals conducting ions change from one state of equilibrium to another. Reproduction of this phenomenon on a nonbiological model shows that a special physical mechanism operates here.

Whereas electric processes in living matter do not evoke any doubt, the role of magnetic fields in biology is still being debated. Unfortunately, the presently existing whole area of research called magnetobiology has compromised itself with a large number of errors, lack of control and sometimes direct falsification as well. The experiments pertaining to the effect of weak fields are especially suspicious. I shall recall the story with the "magnetic bracelets" manufactured by Japanese firms for the treatment of numerous diseases and prohibited by the Japanese Government as an outright deception. As a result, skeptical attitude has taken root among scientific workers and articles completely denying magnetobiology have appeared.

From our point of view, first of all, it is necessary to understand the physical mechanism of action of the magnetic field on cells. The period of study of biological objects, when it was believed that any miracles are possible in them, is already past. Biological objects are complex systems and at the system level they sometimes manifest unexpected regularities. However, all the elements of biological systems, moreover, they as a whole, are subjected to general physical laws. Its constituent molecules have now been studied well and one can approach them with the ordinary criteria of molecular physics.

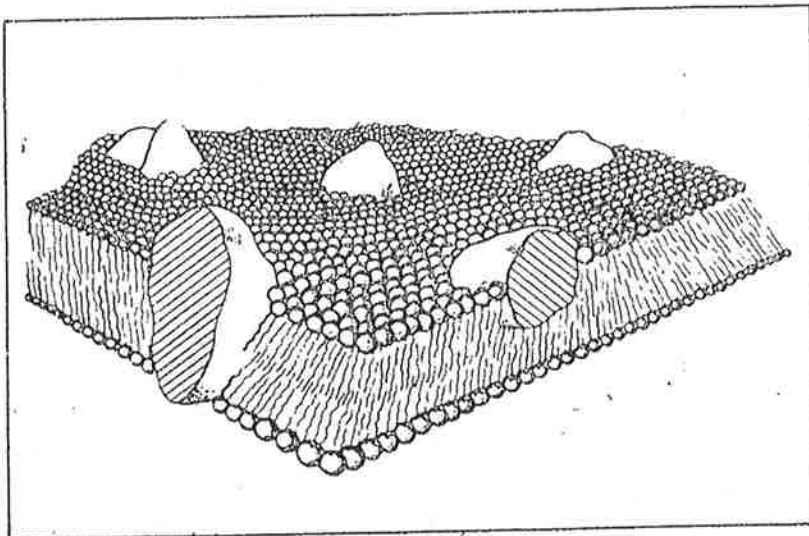
The following question arises: In principle, is it possible to observe the effect of the magnetic field on biological molecules? At first glance the answer will be negative. In fact, all biologically important substances, for all practical purposes, are diamagnetic. A weak magnetic moment  $\mu = \chi H$ , where  $\chi$  is the magnetic susceptibility and  $H$  is the field, is induced in their molecules. Therefore, the energy that they can acquire in the magnetic field equal to  $\mu H$  is very small. This energy must be compared with the energy of the thermal movement  $kT$ , where  $k$  is Boltzmann's constant and  $T$ , the absolute temperature. From the comparison it follows that the relation  $\mu H/kT$  is equal to  $10^{-7}$  and even quite a large field ( $H=10,000$  Oe) and the energy acquired in the magnetic field are negligibly small. In electric

GOVERNMENT USE ONLY



GOVERNMENT USE ONLY

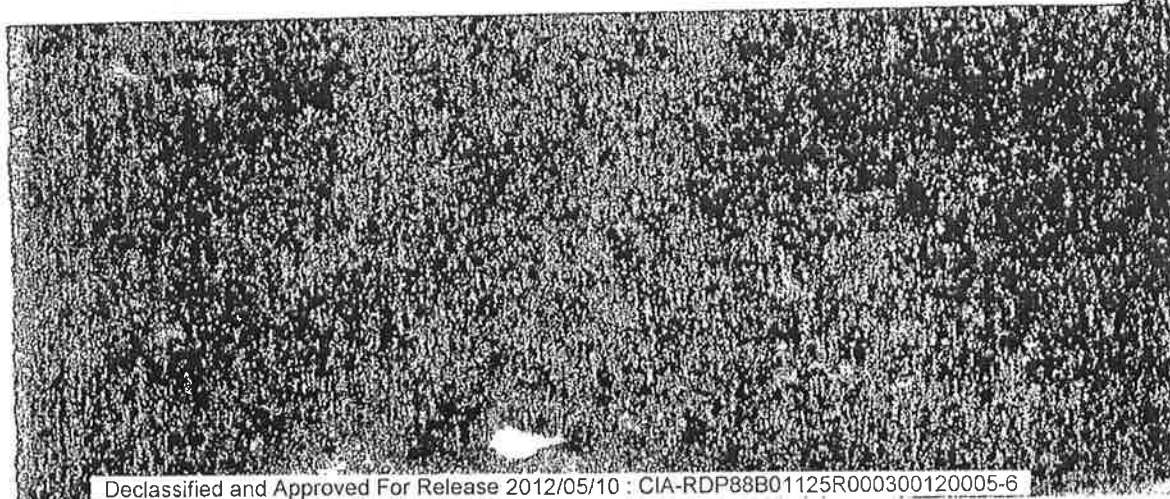
fields molecule orientation is determined by the criterion  $\epsilon E/kT$ , where  $\epsilon$  is the dipole moment and  $E$  is the electric field. For fields on the order of  $10^5$  V/cm this criterion is  $\epsilon E/kT \approx 10^{-2}$ , that is, just as small as compared with a unit.



A model of the so-called liquid mosaic structure of a membrane. Lipid molecules form double layers--the membrane basis. The chains in individual crystal domains are parallel, but the spatial orientation of various domains is different, although, on the average, the angles of slope are the same. The polar groups of lipids are shown in the form of small circles, and proteins, in the form of small islands partially penetrating the membrane. The lipid layer is liquid and the protein macromolecules retain their mobility along the membrane (lateral mobility). Their position in the membrane is determined by the lipid wetting them.

However, this simple consideration does not exhaust the problem. The point is that many organic molecules (up to 5 percent of all the presently known organic compounds) form so-called liquid crystals in a certain temperature region. This means that their molecules are packed into ordered formations, that is, domains containing millions of molecules. The forces of interaction among neighboring spatial asymmetrical molecules are the reason for this. At the same time, the substance remains liquid, mobile and deprived of elasticity with regard to shift, because the degree of order inside the domains is still relative, not comparable with such true crystals.

GOVERNMENT USE ONLY



GOVERNMENT USE ONLY

When liquid crystals are placed in an electric or a magnetic field, strong (depending on the field intensity) orientation effects, studied by physicists for a long time, occur in them. The point is that in a magnetic field the domains are anisotropic. If they consist of prolate chain molecules, in the field the domains should be reconstructed (as though recrystallized) so that the long axis of the molecule coincides with the direction of the magnetic field. At the same time, the change in energy will be  $n \mu H/kT$ , where  $n$  is the average number of molecules in a domain and this criterion can attain a magnitude on the order of a unit in fields accessible for an experiment.

Now the following question arises: Are there liquid crystal domains in biological objects? It turns out that the lipids of which membranes are made are typical liquid crystals of the so-called smectic type forming layers parallel to the oriented chain molecules. This means that the orientation of lipid domains in electric and magnetic fields is not only possible, but also inevitable. Protein particles, which serve as canals for the ions, are located inside a lipid membrane and are oriented according to the orientation of lipids, because with their hydrophobic side surface they are closely linked with lipid molecules. Therefore, from the point of view of physics, the effect of the magnetic field on membranes and on membrane permeability is quite natural.

Here mention should be made of another observation during which the effect of a moderate magnetic field (on the order of 100-1,000 Oe) on the kinetics of processes was revealed. It concerns the effect of a magnetic field on the photoconductivity of organic substances, on luminescence and on some photochemical reactions in which paramagnetic molecules, for example, oxygen, participate. Physically, this phenomenon is quite clear.<sup>3</sup> It is difficult to say now whether it has any bearing on biology. It is not ruled out that photochemical and photoelectric processes in living nature (photosynthesis and the work of the organs of vision) can prove to be a target for the effect of magnetic fields in this mechanism.

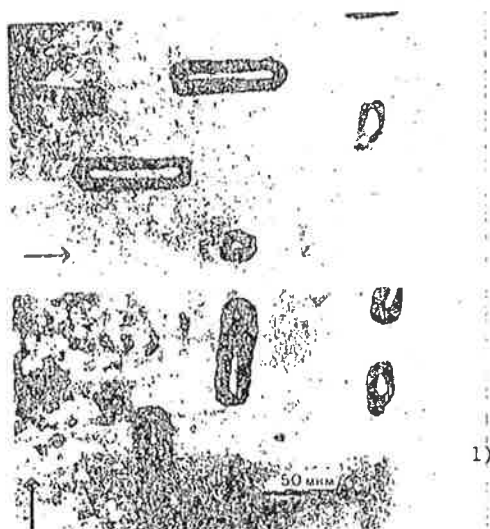
Let us examine the orientation in a magnetic field (10,000 Oe) of a suspension of rods taken from the retina of a frog's eye. The rods consist of lipid molecules oriented by their long axis along the rod axis. The French researchers R. Chagneux and A. Chalazonitis<sup>4</sup> showed that a magnetic field turns the rods as compass needles, although they do not contain paramagnetic or, moreover, ferromagnetic substances. Physically, it is clear that the anisotropy of magnetic susceptibility of chain lipid molecules is the source of orientation.

We studied<sup>5</sup> (in cooperation with V. M. Bresler, E. N. Kazbekov and N. N. Vasil'yeva) the effect of magnetic fields from 10,000 to 50,000 Oe in a superconducting solenoid on the transport of various substances through the membrane of renal canals. Having placed the kidney of a frog in a magnetic field, we observed how the renal canals pumped the heavily fluorescent substance fluorescein from the environment. For quantitative

GOVERNMENT USE ONLY

GOVERNMENT USE ONLY

measurements we used a microscope combined with a fluorimeter (an instrument measuring fluorescence by a photoelectric method). Finally, in order to avoid organic disturbances, we worked on a whole, undamaged organ. For this a special contact objective was slightly immersed in the kidney, which made it possible to focus the microscope on a renal canal without the preparation of sections or other damaging operations. We were able to follow the pumping of the luminescent mark from the environment into an individual canal. The result obtained was clear--the magnetic field hampered the transport of the substance by approximately one order of magnitude. The rate of transport depended on the field: near 30,000 Oe the effect reached saturation--the speed was reduced five or six times as compared with control. Of course, the experiments were repeated many times and convincing statistics were obtained.



A photomicrograph of rods from the eye of a frog suspended in a physiological solution and placed in a magnetic field of an intensity of 10,000 Oe. A good orientation of the rods along the field (indicated by an arrow) is seen.

Key:

1. 50 microns

44

GOVERNMENT USE ONLY

However, the kidney proved to be not quite a convenient object, because the different canals in it have a different spatial orientation. Therefore, in subsequent experiments we used a choroid plexus from a rabbit's brain. This is a special organ in the form of a fine, transparent strip, which sucks from the cerebral fluid ballast substances into capillary blood vessels. This plexus is a membrane consisting of one plicate layer of epithelial cells. On the average, the membrane plane coincides with the plexus plane, which makes it possible to create a certain orientation of the membrane with regard to the field.

The picture of the effect of the magnetic field on the membrane proved to be quite complex. In an ordinary medium containing sodium, potassium and calcium salts the magnetic field accelerated the transport of the fluorescent dye approximately twice. At the same time, the effect was observed only when the membrane plane was perpendicular to the direction of the field and during a parallel orientation the effect was absent. It is known that lipid molecules are by no means always perpendicular to the membrane plane. An X-ray structural analysis shows that, usually, they are inclined approximately at an angle of  $60^\circ$ . Probably, the carriers of organic ions are also inclined and this inclination is not optimal for transport. The inclusion of the magnetic field should rectify the molecules of lipids and, accordingly, of the carriers, which, apparently, accelerates the transport.

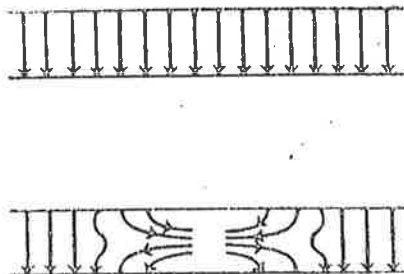
A different situation is created if calcium concentration in the medium is greatly reduced. Calcium ions play an important part in the structure of the lipid layer, because they strongly interact with the phosphate groups of phospholipids. The lack of calcium reduces the bond among lipid molecules. In this case the magnetic field operates in a reverse direction, that is, it slows down the transport of the indicator fluorescein ion approximately 2.5 times. Such a strong effect (exceeding the statistical variance by an order of magnitude) is observed only in sufficiently large fields and is saturated in the vicinity of 20,000 to 30,000 Oe. Apparently, a reduction in calcium concentration sharply changes the structure and orientation of fluid crystal domains. For the time being, we cannot say anything more definite. Additional structural changes on the membrane are needed. This problem can be solved on a transparent choroid plexus, because lipid layers have a double refraction, but, technically, this is not easy to carry out, taking into consideration the small thickness of biomembranes.

Let us now go back to the electric phenomena in the membrane. Since protein canals are capable of changing their orientation and, therefore, permeability when fields are changed, as a result of the reconstruction of the lipid layer, the change in potassium and sodium conductance, that is, the opening and closing of canals for sodium and potassium during a change in the potential jump, is fully explainable. Before the spike we have in the membrane a seemingly charged capacitor, in which the power lines are perpendicular to the membrane surface. At the spike moment the charge at

GOVERNMENT USE ONLY

GOVERNMENT USE ONLY

a certain point of the membrane becomes equal to zero and remains the previous in the neighboring areas of the membrane. At the same time, the vector of the electric field near the "short circuit" turns  $90^\circ$  and is directed along the membrane surface. In the end the field disappears, because the charge on the capacitor is neutralized.



The electric field in the membrane before the beginning of the discharge (above) and at the moment when the discharge began at a certain point of the membrane (below). It is possible to initiate the discharge by applying a reciprocal potential difference at a given point. In the synapses of neurons (at the points where they contact with each other) the discharge is initiated with an ultramicroscopic droplet of a mediator, for example, acetylcholine.

It is clear that these situations can correspond to different orientations of lipid domains. In practice, this leads to the fact that before a spike the membrane conducts only potassium ions, at the moment of discharge only sodium ions pass through the membrane and after the discharge potassium conductance again returns to the membrane. This means that, in fact, protein canals are capable of changing owing to the reconstruction of lipid domains in changing electric fields. Such a reconstruction should be accompanied by a change in the optic properties of the membrane at the same points where the spike runs. In fact, the change in the optic properties of the membrane, in particular, in the double refraction at the spike moment, was discovered experimentally by R. Keynes,<sup>6</sup> I. Tasaki<sup>7</sup> and other researchers. Another significant observation--liquidation of spikes when the axon membrane is placed in a strong magnetic field (16,000 Oe) as a result of a certain orientation of domains imposed by the magnetic field--was made in the experiments of a number of physiologists.<sup>8</sup>

Summing up, it can be stated that orientation phenomena in a lipid membrane are fundamentally important for many biological processes, in particular, for the transmembrane migration of ions and everything that follows this. The point of application for the effect of electric and magnetic fields to biological structures is precisely here.

46

GOVERNMENT USE ONLY

FOOTNOTES

1. Ovchinnikov, Yu. A., Ivanov, V. T., and Shkrob, A. M., "Membranoaktivnyye Kompleksy" [Membrane Active Complexes], Moscow, 1974, p 167.
2. Hodgkin, A. L., and Huxley, A. F., J. PHYSIOL., 1952, Vol 117, p 500.
3. Sokolik, I. A., and Frankevich, Ye. L., USPEKHI FIZ. NAUK, 1973, Vol 3, p 261.
4. Chagneux, R., and Chalazonitis, N., COMPT. REND. ACAD. SCI., 1972, Vol 273, ser. D, p 317.
5. Bresler, S. Ye., and Bresler, V. M., DAN, 1974, Vol 214, p 936.
6. Cohen, L., Keynes, R., and Hille, R., NATURE, 1968, Vol 218, p 438.
7. Tasaki, I., Watanabe, A., Sandlin, R., and Carnay, L., PROC. NAT. ACAD. SCI. USA, 1968, Vol 61, p 883.
8. Berestovskiy, G. N., Liberman, Ye. A., Lunevskiy, V. Z., and Frank, G. M., BIOFIZIKA, 1970, Vol 15, p 62.
9. Chalazonitis, N., and Arvanitaki, A., COMPT. REND. SOC. BIOL., 1964, Vol 158, No 10, p 1902.

BIBLIOGRAPHY

1. Hodgkin, A. L., "Provodimost' Nervnykh Impul'sov" [The Conduction of Nerve Impulses], Moscow, 1965.
2. Skulachev, V. P., "Transformatsiya Energii v Biomembranakh" [Energy Transformation in Biomembranes], Moscow, 1972.
3. Kapustin, A. P., "Elektroopticheskiye i Akusticheskiye Svoystva Zhidkikh Kristalloy" [Electrooptic and Acoustic Properties of Liquid Crystals], Moscow, 1973.

COPYRIGHT: Izdatel'stvo Nauka, PRIRODA, 1977

11,439  
CRO: 1870

47  
GOVERNMENT USE ONLY

GOVERNMENT USE ONLY

ELECTROMAGNETIC ECOLOGY AND COMPATIBILITY

Prague CESKOSLOVENSKA STANDARDIZACE in Czech No 9, 1976 pp 355-356

[Article by Engr Vaclav Prosr, State Standardization Center for Electro-technical Engineering in Prague]

[Text] Relations between noise elements in electro-technical engineering, the lack of knowledge of which causes considerable losses. This entire problem must be also reflected in the future in the area of standardization.

Modern utilization of electric power is always related by virtue of natural laws to the formation of electrostatic, magnetic, and electromagnetic fields. This omnipresent, useful, and today indispensable part of modern life has specific negative effects in many sectors of the production-consumption chain, effects which ruin the pleasure from the contribution of progress not only in industry, but also for example in culture, health services, and elsewhere.

The consumption, conversion, distribution, transmission, and production of electric power constitutes classic schemes of heavy-current problems. With the start of industrial (as well as heavy) electronics, it seems that the differences as compared to the previous clear-cut weak current area of utilization of electric power are disappearing; that is, with regard to the application of small amounts of power or low voltages.

As examples which can perhaps illustrate best the type and method of applying unpleasant features [sic] which accompany modern application of electric power, we select further the application of electric power for transmission of information for purposes of control and regulation. From this there are derived generalizing conclusions, which can be applied also outside of these selected applications, with orientation to international connections in the scientific-technical development and in problems of standardization.

46

GOVERNMENT USE ONLY

Useful application of electricity is accompanied by the effects of electromagnetic fields, which may disrupt other processes or phenomena taking place in their proximity. The concept of proximity is understood in this context mostly as spatial (geometric) and electric (related) proximity of two phenomena. At the same time, the second phenomenon under observation (in addition to the useful application) may be -- but does not have to be -- participating directly in the first phenomenon (process). A sort of deception exists in the spatial or time incidence of the occurrence of the conditions which lead to the undesirable disruptive connection. The interference is often related to the mediating effect through parts, members, or phenomena which otherwise do not participate in the process. Maximum possible combinations are represented by cases when an interference field is formed and is manifested by its effects in terms of space and time in such a valuable way, that it is beyond the experience of the team of expert construction engineers, research workers, and testing technicians. Under closer scrutiny, it is found that even a slight oversight is enough for the fine mechanism of the interference chain to fall apart before one succeeds in finding out and identifying its parts. In contrast, interfering "arrangement" which is very striking is not taken in consideration precisely because it is so obvious. All this must be prevented by taking suitable measures. However, in order to restore these measures, it is necessary in some cases to have a good amount of fantasy and experience.

In this connection, professional circles in the world are beginning to consider the interference purity of the environment ("ether") in the same way as the purity of the air and water.

Disturbing influences literally flood increasingly larger areas, mainly places with a high concentration of industry and dense urban agglomeration. Which means an ecological problem "par excellent" [sic, should read "par excellence"] and at the same time to the extent that originally purely technical questions become economic problems and pertain to the life of not only an individual, but of the entire society.

How did this qualitative jump occur, and how is it occurring now? Up to a certain time, interference voltage influenced by its negative effects only the so-called weak-current applications of electricity. It is characteristic that fields which presented little interference -- mostly dispersion fields -- as a rule did not affect heavy-current applications of electric power. That is why at the beginning the fields which dealt with these problems were those which have been affected by them most: broadcasting, communications, and railways. The method of solving the problem is also illuminating: preparation of technical norms which created conditions for uninterrupted (and therefore also safe) operations in the given area. Specific measures were as a rule one-sided, and economical management of investments in other branches of the national economy was not always taken in consideration. From the point of view of standardization, a similar approach is used on the international scale, especially because broadcasting, communications,

10  
GOVERNMENT USE ONLY



GOVERNMENT USE ONLY

and railroads represent areas of broad international interest, where there was and is urgent need for recommendations and norms. Within the framework of the IEC, these questions have been handled since 1933 for example at the cost of a different organizational structure of the appropriate specialized organ (International Special Committee for Radio Interference -- CISPR) and at the cost of a different way of publishing sectional results of its activities. It is true that subsequent solutions of these questions within the framework of the SKN [expansion unknown] of CEMA involves a uniform type of CEMA recommendations, but substantially it deals [sic, should read does not deal] with uniform methods of solving the problem.

Modern utilization of electric power for data processing and in the automation of processes (mainly technological processes) is characterized on the one hand by the application of low voltages, and on the other hand by the beginning of the use of nonlinear semiconducting parts both in industrial electronics as well as in the electrification system itself. In particular, the application of thyristors in high output installations results in a great increase of outputs of higher harmonic frequencies not only in the installations of the users themselves, but in the entire power distribution network. Interference voltage also began to be affected negatively by heavy-current application of electricity. At the same time, it is equally characteristic that at the present time strong interference fields in the form of interference voltages or currents are not restricted to individual equipment or installation in a given facility, but are often dragged to great distances.

The "medium" of this interference connection consists as a rule not only of disrupting dispersion fields in the area around the given facility, as it happened before, but direct electric connections in the heavy-current power lines themselves. The seemingly little sensitive huge organism of power systems is being attacked by low-current interference throughout its entire field of activity and at the most sensitive places: at the place of production (electric power plant) and consumption (households) -- not excluding distribution network and power lines.

With the introduction of computer technology in the control of industrial processes, exceptionally great difficulties occur with regard to interference voltages on a large scale. The sources of power themselves, namely electric power plants, are not remaining aside and are not spared of the positive as well as negative aspects of this process.

The measuring central organ at the inlet of the computer is connected with the technological process by means of hundreds to thousands of sensors, which are connected with a complicated bundle of measuring cables several hundred meters to several kilometers long. These sensitive "nerve terminals", which operate with very low voltages, are exposed throughout their entire course by the effects of all kinds of interference fields. In the case of the classic direct method of evaluation of the incoming signals, which carry information about magnitudes

50  
GOVERNMENT USE ONLY

measured by measuring instruments of the dial type, alternate interference voltages do not affect the measurements, even when they are several times stronger than the useful signal: frequency characteristics and low impedance of the dial instrument guarantee that the evaluation is made correctly even in the presence of interference. As the number of the covered measuring points increases and the system switches from analog to digital processing (digitalization) for input in the control computer, the original information which is required may be suppressed entirely by the interference voltages. Reversely, the computer may receive a false signal, which did not originate at the measuring place of the technological process, but somewhere along the course of the measuring cable. One can use in this case direct analogy with the so-called sequential automatic machines, which use at the inlet very low voltages (and therefore only slight amounts of power) for the control of the input logical circuits, which in addition operate at a high impedance. An incorrect interference by the control and regulatory equipment, which is not protected against the effects of interference impulses or voltages, may result in a minimal economic loss.

At the opposite end of the distribution network of electric power, there is for example our household, and an electric meter at one of its power inlets. This watt-hour counter is both a measuring instrument for the consumption of electric power from the distribution network, and at the same time it is an indicator of the extent to which we ourselves create at home an artificial environment. Naturally, this costs some money. It costs money both to the society (the distributor) considered as the supplier on the one hand, and ourselves as consumers on the other hand. Both partners in this direct monetary ratio rely on the idea that the electrometer does the measuring correctly. That is why it is also tested officially. The catch is that the conditions for which the electrometer has been designed, manufactured, tested, and finally used, are changing at the present time. The use of mostly induction electrometers for measuring the active output of electric current under conditions of non-sinusoidal course of the curve of the current represents today a method of measurement which is demonstrably less appropriate. When appliances with semiconducting parts are switched on, the originally single-wave course of the current (50 cycles per second) turns into multi-wave currents. These multi-wave currents are integrated by the electrometer, and this causes much greater errors. And these errors are by no means within the tolerance of the tested grade of accuracy. Which means that there is no error in the design, manufacture, or testing, but rather an error due to changes of the conditions for which the induction watt-hour electrometers were designed -- an increase of the content of higher harmonic components of the basic frequency in the distribution itself of the electric power.

But the worst cases of interference voltage are those where there is danger to the service personnel or danger to various installations, particularly telecommunication installations in cases of short circuits on high-voltage power lines. The amplitude of the interference voltage

151  
GOVERNMENT USE ONLY

GOVERNMENT USE ONLY

induced in parallel communication cables, metal pipes and constructions grounded in close proximity of the short circuit on a high-voltage power line reaches as much as thousands of volts. It is true that the entire phenomenon occurs within a limited time interval, but on the other hand the induced voltage is dragged through underground installations at distances of several kilometers from the place of origin. With the exception of power lines of exceptionally high voltage, this does not pose a new, unknown problem. These situations on high voltage and very high voltage power lines are defined in electrotechnical regulations with a relatively degree of accuracy, and there are also measures prescribed which must be observed for reasons of safety and possible secondary danger in the construction of power lines and their operation.

However, from the general point of view, it is worth while to consider the question as to what should be done when modern measuring, control, and regulatory installations cannot be fully effective because of interference voltages, when these installations increase the productivity of human labor in a literally revolutionary way, or when on the other hand output semiconductors can make savings of the received power without unnecessary losses. And while generally speaking interference can result in danger to material values and human life, there is no other way but to spend money to eliminate interference fields, voltages, currents and to fight against their indirect effects. In contrast to this active approach, it may also be possible to wait and depend on larger amounts to liquidate the subsequent material losses, but that certainly is not a solution. In addition, losses in terms of human health cannot be measured by these values. Naturally, there also exist economic sanctions based on the application and validity of norms which have been agreed to at the state level or international level, norms which force potential "producers" of interference voltages and fields to study in greater detail and especially to study systematically the theory and practice of the formulation of such interference and of the elimination of its effects. In view of the nature of the effects of interference, one cannot very well calculate today the costs of its elimination and to include it in operational costs, thereby avoiding the problem of pollution of the environment, as it is still done sometimes when dealing with the problems of air and water pollution. A contributory factor in this is the deceptive effect of interference fields and voltages, which was mentioned previously and which in many cases turns immediately against its "creator" and strikes him at the sensitive points of his "blood circulation", if we can use for comparison purposes the well-known comparison of the function of electric power in the economic organism. Underground operations and constructions such as mines and subways are not exempt from these problems, either. What represents a separate chapter, which sometimes borders on science-fiction, are interferences in electronic equipment used in medicine and their mutual interaction, in the same way as mutual interferences of television sets connected inappropriately by a pole-type interchangeable connector with a joint power network outlet.

52

GOVERNMENT USE ONLY

GOVERNMENT USE ONLY

Effective use of means allocated for finding the causes of the formation of interference voltages or on liquidation of the consequences of their effects is today beginning to exceed the framework of one single national economy and represents a suitable and up-to-date subject for international cooperation in the broadest sense of the word. As exchange of electric power continues to increase between power systems, for example on the European scale, and above all within the framework of the uniform power system of the countries of the socialist camp, there will be necessarily problems of interference which will have to be dealt with in connection with studies of the quality of the exchanged electric power. On the other hand, for example the present advantage of deliveries of whole investment units to foreign countries ("with key") may be only a temporary advantage as compared to subdeliveries of technological lines and installations precisely because of the problem of interference.

Also, what has to be considered as an effective step is the development of bilateral cooperation within the framework of the CEMA countries. The goal of this cooperation should be a gradual transition to multi-lateral cooperation. What applies today to the area of scientific-technical cooperation continues to be applicable in the future with regard to standardization. At the same time, the gathering of experience and the corresponding exchange cannot stop before reaching also a broader international forum, such as for example the IEC.

The results achieved in Czechoslovakia also confirm the fact that it truly pays off to proceed in a complex manner, as provided for in the corresponding state program. In this respect, the handling of seemingly general problems such as electromagnetic compatibility or electromagnetic ecology bring specific results. Let us mention at random the production of a screened measuring table, independent destination of reduction factors on the side of communication and power lines (supplement to the Czechoslovak Norm CSN 34 2030), or progress in uniform evaluation of the effects of both components of an electromagnetic field by the method of evaluation of interferences by connecting channels.

In the fight for preservation of bearable living conditions, when all available natural sources of power are being mobilized, man is making great efforts to develop technology and especially to make further progress in it. This progress cannot be stopped, and at the same time one cannot conceive it without an active role of the human factor. However, with regard to the results achieved one must also accept the negative results of such behavior and not wait until some bright idea may occur, which is not defined in greater detail and may occur let us say at the end of this century. At the same time, until the end of the century there is relatively enough time to reject the view that these negative effects of industrial progress in particular may be somewhat objective, even though they are not at all acceptable. They are considered as if they came somewhere from the outside, instead of being understood as the result of rational considerations concerning the need for proper control of all activities which stimulate progress and broader application of

53

GOVERNMENT USE ONLY

## GOVERNMENT USE ONLY

scientific-technical discoveries. This in spite of the fact that in some cases there predominates the feeling of being sorry about the fact that those whose duty it is to inform the public do not do so, because they see only one side of the intricate problems -- the external side of them.

At the first sight, it looks like a paradox: if technicians (and therefore also electrotechnical engineers in the case of interference) want to demonstrate their own technical capability, they must by themselves find a solution of the dilemma that either

-- they do not know how to explain anything and cannot be suspected of technocratism, or

-- they are able to explain everything and may be suspected of being prejudiced.

In reality, it means that they must be able to demonstrate that they can find a solution outside of their own profession and draw the proper conclusions from it for themselves. This is a difficult task. At the beginning, they will agree with the others that protection of our -- your, their -- living environment appears to them -- who are technicians -- as being an ecological problem. Electrotechnicians add a word -- electromagnetic ecology -- and draw conclusions for themselves:

The discovery and use of electric power results in creation of artificial environments, in hunting for distant natural conditions, by which man deliberately surrounds himself more and more. At the same time, he creates problems of mutually similar type.

Depending on what aspect will be followed in the future, we shall talk about the corresponding type of ecology.

And so electrotechnical engineers will define later on electromagnetic ecology and immediately after that electromagnetic compatibility. This applies especially to electrotechnical and electronic products or distribution networks. They will see the difference in the fact that the aspect under study, that is the interference (interference field, voltage, current) affects directly only the users of the equipment or appliances themselves, or it affects also other individuals, the public, the community, or the society as a whole.

The problem of solving these questions calls directly for adaptation, streamlining, and codification of norms or regulations. This should be done as soon as possible in international documents, so that a few years from now one would not hear comments that ... and so on. Standardizers, acting in harmonious cooperation with electrotechnical engineers, have a new content to deal with. This content is certainly not easy in terms of formulation, but it is also complex in terms of applying the results in practice.

54

GOVERNMENT USE ONLY

GOVERNMENT USE ONLY

It is relatively easy to determine that in addition to the given human aspects of the present need for dealing with certain general ecological questions, there exists a certain "driving motor" which results in the need for dealing with the problems of interference. This is almost certainly the fact that manufacturers and especially distributors of electric power are -- in contrast to the past -- confronted with their consumers. And the consumers are beginning to demand a certain quality of energy which is being delivered to them. However, at the same time, the "nonlinear" properties of the use of electric power on the part of the consumers is -- to put it simply -- having a bad effect on the efforts of the suppliers. In fact, this effect is such that they cause more difficulties sometimes to the suppliers than to themselves. Distribution systems represent on the one hand a binding factor between the two partners, but on the other hand a suitable environment which within a short time may become infected unbearably by a defect in the form of interference -- if they let things develop as they have been developing up to now.

The demand for standardization at the international level was accepted, and so the IEC decided in 1973 at its session in Munich to create a Technical Commission No 77 -- Electromagnetic Compatibility Between Electric Instruments, Including Networks. For the time being, the area of interest of the TC 77 concentrates on ... "preparation of international recommendations pertaining to electromagnetic compatibility of electric or electronic instruments with regard to each other and with regard to electric distribution networks." At the same time, the program of the operations of the Technical Commission No 77 will be coordinated with other technical commissions of the IEC, which are interested in these problems, but outside of the framework of the CISPR.

The preceding sentence is also an expression of the fact that in addition to a broader study of the problems of electromagnetic compatibility, that is problems of electromagnetic ecology, it will be necessary to take in consideration the results of the studies made by the CISPR, particularly in terms of the working methods, standardization of the methods of measurement, and determination of the limits of interference effects, and especially in the creation of terminology. Also, specialized international organizations are being invited to participate in this on a broad scale. This applies for example to the CCIR -- International Consulting Committee for Radio, CCIT -- International Consulting Committee for Telephone and Telegraph, UIE -- International Union for Electric Heat, CIGRE -- International Conference on Electric Systems of Very High Voltage, CIRED -- International Conference on Distribution of Electricity, UNIFEDE -- International Union of Producers and Distributors of Energy, and others.

While the TC 77 deals with problems of electromagnetic compatibility, the Action Committee of the IEC retains the control and framework handling of the problems of electromagnetic ecology. Its special work team of five members, whose activities have been reported previously in the press,

5)

GOVERNMENT USE ONLY

GOVERNMENT USE ONLY

has proposed a definition of both main concepts for purposes of various technical commissions and subcommissions of the IEC;

Electromagnetic ecology -- a study of relationship between electrically live elements and the resulting electromagnetic environment (natural environment as well as artificial environment).

Note: We are dealing with an analogy and definition of ecology, which deals with the study of relations between living creatures and the natural environment.

Electromagnetic compatibility -- an element of electromagnetic environment is compatible, if its mutual reaction with other elements of this environment is acceptable.

This led to the creation of a conceptual basis for studies of other tasks, which include specifically the preparation of a survey of technical problems in the area of electromagnetic compatibility, with delimitation of studies carried out so far and other needs involving the use of the results or continued to be dealt with in cooperation with other technical commissions of the IEC. This includes analysis of available information obtained from the CISPR and TC 77, which will lead to a proposal of measures to be taken by the Action Committee of the IEC. In view of the need for standardization coverage of the problem, this involves also proposals of suitable internal and external relations of the IEC by means of mixed working groups consisting of representatives of the interested organizations. Last but not least, it is a preparation of proposals for the Action Committee to standardize specific functional characteristics of instruments in view of electromagnetic compatibility.

BIBLIOGRAPHY

1. State Program P 03.
2. NORMALIZACE No 10-11, 1975, Annex MEROVA TECHNIKA (Technology of Measurements), pp 73-77.
3. NORMALIZACE No 2, 1975, p 25.
4. NORMALIZACE No 8, 1975, second cover page.
5. BULLETIN of the IEC No 36, November 1975.

Lecturer: Engr Milos Zdenek, CSc.

COPYRIGHT: CESKOSLOVENSKA STANDARDIZACE 1976

5068  
CSO: 2402



**Staff Report**

---

**Staff Report**

REPORT 19-0009

---

**Honorable Mayor and Members of the Hermosa Beach City Council  
Regular Meeting of January 8, 2019**

**ADOPTION OF RESOLUTION APPROVING  
THE ALLOCATION OF APPROXIMATELY \$71,298 OF  
FEDERAL COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG)  
FUNDS FOR SIDEWALK CURB RAMPS, AUTHORIZING USE  
OF CDBG FUNDS FOR CONTRACTORS, AND GRANTING  
THE PUBLIC WORKS DIRECTOR AUTHORITY TO  
SUBMIT A NOTICE OF COMPLETION  
(Community Development Director Ken Robertson)**

**Recommended Action:**

Staff recommends that the City Council adopt the FY 2019-20 budget resolution which:

1. Approves the FY 2019-2020 CDBG allocation of approximately \$71,298;
2. Approves the allocation of approximately \$71,298 of Federal CDBG funds in FY 2019-20 for the Americans with Disability Act (ADA) sidewalk ramp project;
3. Authorizes the use of CDBG funds in FY 2019-20 for a construction contractor and a Contract/Labor Compliance Officer to provide direct project related services, including, but not limited to, construction management and inspections; and
4. Grants the Public Works Director authority to submit a notice of completion once work is complete.

**Executive Summary:**

The Community Development Block Grant (CDBG) Program is authorized under Title I of the Housing and Community Development Act of 1974. The primary objective of Title I is to develop viable urban communities by providing decent housing, a suitable living environment, and expanding economic opportunities, principally for low- and moderate-income persons. The CDBG program, funded by the U.S. Department of Housing and Urban Development (HUD), offers communities opportunities to compete nationally for funds to implement program activities that best meet the needs of their communities, in accordance with the national objectives and requirements of the CDBG program.

Approval of the Fiscal Year 2019-20 CDBG budget would allow the City to receive an allocation of approximately \$71,298 and authorize staff to proceed with the Americans with Disability Act (ADA) sidewalk ramp project in the FY 2019-20. This project is part of the City's overall effort to make its sidewalks more ADA accessible.



---

## Staff Report

REPORT 19-0009

---

### **Background**

The Community Development Commission of the County of Los Angeles (CDC) administers CDBG funding on behalf of the Los Angeles County Board of Supervisors, which oversees the CDC, and 47 small participating cities throughout the County.

The CDBG Program has three primary objectives:

1. Benefit those with low- and moderate-income;
2. Aid in preventing neighborhood deterioration; and
3. Meet other urgent community development needs due to natural disasters or other emergencies.

The CDC works closely with diverse communities and elected representatives to assess local needs and identify funding priorities. The CDC then contracts with local agencies and organizations to provide funding for the needed services.

### **Discussion:**

The CDC's administrative deadlines require City Council approval of the next FY 2019-20 CDBG allocation amount and adoption of the FY 2019-20 budget the January before the start of the applicable Fiscal Year. The County Community Development Commission (CDC) has estimated that the City's FY 2019-20 allocation will be approximately \$71,298. Staff recommends that the Council approve the use of these funds for a construction contractor and a Contract/Labor Compliance Officer for the Americans with Disability Act (ADA) sidewalk ramp project to provide direct project related services, including but not limited to construction management and inspections. Use of CDBG funds currently included in the 2018-19 budget under CIP 17-687 and CIP 18-691 would also cover design, materials and labor.

The ADA sidewalk ramp project is part of the City's Capital Improvement Project No. 18-691 to provide improvements and relocation of sidewalks, curb ramps and obstructions in highly traversed areas within the City in order to meet the Americans with Disabilities Act (ADA) and the latest federal standards. The project would remove architectural and material barriers and provide unobstructed paths of travel for elderly and severely disabled adults on various City sidewalks. The project would provide for the construction of curb ramps where no curb ramps currently exist and the reconstruction of curb ramps that are too steep, deteriorated, not wide enough or create other accessibility barriers for severely disabled adults and/or elderly that use wheelchairs, canes, walkers or crutches. Requisite striping and signage would also be provided.

In addition to the approval of the use of the CDBG funds granted to the City, staff recommends that the City Council grant the Public Works Director authority to submit a notice of completion (NOC) once the work is complete. An NOC is a legal document which, when recorded and served, shortens the time for contractors, subcontractors, material suppliers and equipment lessors to record a mechanics lien, serve a stop payment notice and make a payment bond claim. The NOC must be recorded by the property owner with the Office of the County Recorder within 15 calendar days of the actual date of completion of the project.

### **General Plan Consistency:**

---

## Staff Report

REPORT 19-0009

---

The proposed project supports the City's General Plan Mobility Element goals to provide a public realm that is safe, comfortable, and convenient for travel via foot, bicycle, public transit, and automobile and creates vibrant, people oriented public spaces that encourage active living and to provide public right-of-ways supporting a multimodal and people-oriented transportation system that provides diversity and flexibility on how users choose to be mobile (General Plan Mobility Element Goals 2 and 3).

The proposed project is consistent with the following General Plan policies:

- **2.1 Prioritize public right-of-ways.** Prioritize improvements of public right-of-ways that provide heightened levels of safe, comfortable and attractive public spaces for all non-motorized travelers while balancing the needs of efficient vehicular circulation.
- **3.1 Enhance public right-of-ways.** Where right-of-way clearance allows, enhance public right-of-ways to improve connectivity for pedestrians, bicyclists, disabled persons, and public transit stops.
- **3.2 Complete pedestrian network.** Prioritize investment in designated priority sidewalks to ensure a complete network of sidewalks and pedestrian-friendly amenities that enhances pedestrian safety, access opportunities and connectivity to destinations.
- **3.10 Require ADA standards.** Require that all public right-of-ways be designed per Americans with Disabilities Act (ADA) standards by incorporating crosswalks, curb ramps, pedestrian signals, and other components to provide ease of access for disabled persons.

### **Fiscal Impact:**

There will be no impact to the City's General Fund. The City currently has two ADA sidewalk curb ramp projects, CIP 17-687 for \$150,000 and CIP 18-691 for \$120,000. The 2019-20 CDBG allocation of approximately \$71,298 and any unexpended prior year allocations will be appropriated to CIP 18-691 with the 2019-20 Budget. Staff will bring specific project locations back to the City Council with the 2019-20 Capital Improvement Project budget.

### **Attachments:**

1. Resolution Approving FY 2019-20 Budget
2. CIP-33 - 18-691 ADA Improvements - Various Locations.pdf

**Respectfully Submitted by:** Nicole Ellis, Associate Planner

**Concur:** Ken Robertson, Community Development Director

**Concur:** Glen W.C. Kau, P.E., Director of Public Works/City Engineer

**Noted for Fiscal Impact:** Viki Copeland, Finance Director

**Approved:** Suja Lowenthal, City Manager

**RESOLUTION NO. 19-XXX**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HERMOSA BEACH, APPROVING THE FISCAL YEAR 2019-20 ALLOCATION AMOUNT OF APPROXIMATELY \$71,298 AND ALLOCATION OF APPROXIMATELY \$71,298 OF FISCAL YEAR 2019-20 FEDERAL COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) FUNDS FOR SIDEWALK CURB RAMPS, AUTHORIZING USE OF CDBG FUNDS FOR CONTRACTORS, AND GRANTING THE PUBLIC WORKS DIRECTOR AUTHORITY TO SUBMIT A NOTICE OF COMPLETION.**

The City Council of the City of Hermosa Beach does hereby resolve as follows:

**SECTION 1.** The County's Community Development Commission staff has estimated that the City's CDBG allocation for the 2019-2020 Fiscal Year will be approximately \$71,298.

**SECTION 2.** The City Council, pursuant to applicable law, held a duly noticed public hearing on January 8, 2019 to consider the proposed CDBG allocation and budget and consider a project utilizing funds from the foregoing CDBG allocation, at which hearing testimony and evidence, both written and oral, was presented to and considered by the Council.

**SECTION 3.** Based on the foregoing, the City Council hereby:

1. Approves the FY 2019-2020 CDBG allocation of approximately \$71,298; and
2. Approves the proposed CDBG program budget for the 2019-2020 Fiscal Year and instructs staff to submit the CDBG Program Planning Summary for approval to the Los Angeles County Community Development Commission;
3. Authorizes staff to adjust the program budget as necessary to take into account the final CDBG allocation from the U.S. Department of Housing and Urban Development (HUD) and any amounts remaining unspent at the close of the Fiscal Year; and
4. Directs staff to submit the required documentation for approval to the Los Angeles County Community Development Commission; and
5. Approves the allocation of approximately \$71,298 of FY 2019-20 Federal Community Development Block Grant funds for the construction or reconstruction of sidewalk curb ramps to meet ADA standards through removal of architectural and material barriers and providing for unobstructed paths of travel for elderly and severely disabled adults within the City;
6. Authorizes the use of CDBG funds for a construction contractor and a Contract/Labor Compliance Officer to provide direct project related services including but not limited to construction management and inspections; and

7. Grants the Public Works Director authority to submit a notice of completion once work is complete.

**SECTION 4.** The Mayor shall sign and the City Clerk shall attest to the passage and adoption of this Resolution and enter it into the book of original resolutions. This Resolution will become effective immediately upon adoption.

**SECTION 5.** This Resolution shall take effect immediately. The City Clerk shall certify to the passage and adoption of this Resolution, shall cause the original of the same to be entered among the original resolutions of the City Council, and shall make a minute of the passage and adoption thereof in the minutes of the City Council meeting at which the same is passed and adopted.

**PASSED, APPROVED and ADOPTED** this 8<sup>th</sup> day of January, 2019 by the following vote:

AYES:  
NOES:  
ABSENT:  
ABSTAIN:

---

**PRESIDENT** of the City Council and **MAYOR** of the City of Hermosa Beach, California


ATTEST:

APPROVED AS TO FORM:

---

City Clerk City Attorney

**CITY OF HERMOSA BEACH  
CAPITAL IMPROVEMENT PROJECT REQUEST  
FISCAL YEAR 2018-19**

<b>DEPARTMENT:</b> PUBLIC WORKS	<b>PRIORITY NO.:</b>	<b>ACCOUNT NO.:</b>													
<b>CATEGORY:</b> Street and Highway Improvements		140-8691-4201													
<b>PROJECT NO./TITLE:</b> CIP 18-691 ADA Improvements at Various Locations															
	<b>PROJECT DESCRIPTION:</b> The project proposes:  Improvements and relocation of sidewalks, curb ramps and obstructions in highly traversed areas within the City in order to follow the Americans with Disabilities Act (ADA) and meet the latest Federal Standards.														
	<b>STATUS:</b>														
	<b>MAINTENANCE:</b>  No additional maintenance required.														
	<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 50%; text-align: center;">COST TO COMPLETE PROJECT</th> <th style="width: 50%; text-align: center;">REMAINING PRIOR YEAR FUNDS</th> </tr> </thead> <tbody> <tr> <td>Construction \$100,000</td> <td></td> </tr> <tr> <td>Contingency \$10,000</td> <td></td> </tr> <tr> <td>Construction Management and Inspection \$10,000</td> <td></td> </tr> <tr> <td></td> <th style="text-align: center;">CURRENT REQUEST</th> </tr> <tr> <td></td> <td>140 CDBG Funds \$120,000</td> </tr> <tr> <td><b>PROJECT TOTAL: \$120,000</b></td> <td><b>TOTAL FY 18-19 CIP FUNDING: \$120,000</b></td> </tr> </tbody> </table>		COST TO COMPLETE PROJECT	REMAINING PRIOR YEAR FUNDS	Construction \$100,000		Contingency \$10,000		Construction Management and Inspection \$10,000			CURRENT REQUEST		140 CDBG Funds \$120,000	<b>PROJECT TOTAL: \$120,000</b>
COST TO COMPLETE PROJECT	REMAINING PRIOR YEAR FUNDS														
Construction \$100,000															
Contingency \$10,000															
Construction Management and Inspection \$10,000															
	CURRENT REQUEST														
	140 CDBG Funds \$120,000														
<b>PROJECT TOTAL: \$120,000</b>	<b>TOTAL FY 18-19 CIP FUNDING: \$120,000</b>														



Staff Report

---

Staff Report

REPORT 19-0006

---

Honorable Mayor and Members of the Hermosa Beach City Council  
Regular Meeting of January 8, 2019

**APPROVAL TO IMPLEMENT THE VENDINI ONLINE  
TICKETING SERVICE FOR THE COMMUNITY THEATER  
AND 2<sup>ND</sup> STORY THEATER; AND RESOLUTION ESTABLISHING  
A PER TICKET SERVICE FEE AND A SETUP FEE FOR ITS  
USE BY RENTERS OF THE COMMUNITY THEATER  
AND 2<sup>ND</sup> STORY THEATER FACILITIES**  
(Community Resources Manager Kelly Orta)

**Recommended Action:**

Staff recommends that the City Council:

1. Approve the implementation of the Vendini online ticketing service for the Community Theater and 2<sup>nd</sup> Story Theater; and
2. Approve the resolution establishing a per ticket service fee; and a setup fee for Vendini's use by renters of the Community Theater and 2<sup>nd</sup> Story Theater facilities.

**Executive Summary:**

The City of Hermosa Beach currently manages and oversees the Community Theater and 2<sup>nd</sup> Story Theater facilities, both hosts to a variety of live-stage performances and other events. These events are produced privately with users renting the facility and paying for technical staff and applicable equipment on an hourly basis. The City does not manage ticket sales and each individual renter is responsible for its own ticket management. Over the years, in speaking with event curators who lease the theater facilities and through research of similar theaters, staff has learned that adding ticket sales and management services would benefit both the City, the facility users, and patrons. Staff researched various online ticketing platform and determined Vendini to be the most beneficial program, providing options to enhance reporting, enhanced professionalism to the venue, and improved experience of all users and guests. Incorporating an online ticketing service provides the City a revenue generation opportunity through a per ticket service fee and a vendor setup fee to recover staff-time costs. Staff recommends Council approve implementation of the Vendini online ticketing service for the Community Theater and 2<sup>nd</sup> Story Theater, approve the resolution establishing a per ticket service fee, and a setup fee for Vendini's use by renters of the Community Theater and 2<sup>nd</sup> Story Theater facilities.

---

## Staff Report

REPORT 19-0006

---

### **Background:**

The City of Hermosa Beach currently manages and oversees the 503-seat Community Theater and 99-seat 2<sup>nd</sup> Story Theater facilities, both hosts to a variety of live-stage performances and other events. These facilities are available through private reservation at hourly facility use and technical staff fee charges, as well as various one-time fees for equipment depending on the performance needs of each renter. Currently, the City does not manage ticket sales for any event and each individual renter is responsible for its own ticket management. As a result, it is difficult for the City to effectively promote upcoming productions or maintain adequate event attendance data given the various ticketing and payment methods used by event producers. In an effort to provide additional services to both facility users and guests, staff began researching online ticketing platforms that could be easily implemented. Vendini was found to be the most beneficial and well-rounded, online service.

### **Analysis:**

After analyzing several similar online ticketing services in addition to those used independently by current facility users, staff recommends Vendini because of its ease of use for both the user and staff on the backend; the real-time transparency and reporting options available; the company's flexibility in providing a unique service that best suits the different theater facilities; its marketing and promotion opportunities; and the potential for an added revenue source for the facility. Vendini provides a secure, online ticketing service for theater patrons to purchase event tickets for any upcoming event, allowing the City to provide this additional service to facility users while also providing an additional revenue source to the City. The Vendini virtual box office is hosted independently and can be accessed through a link from the City's website.

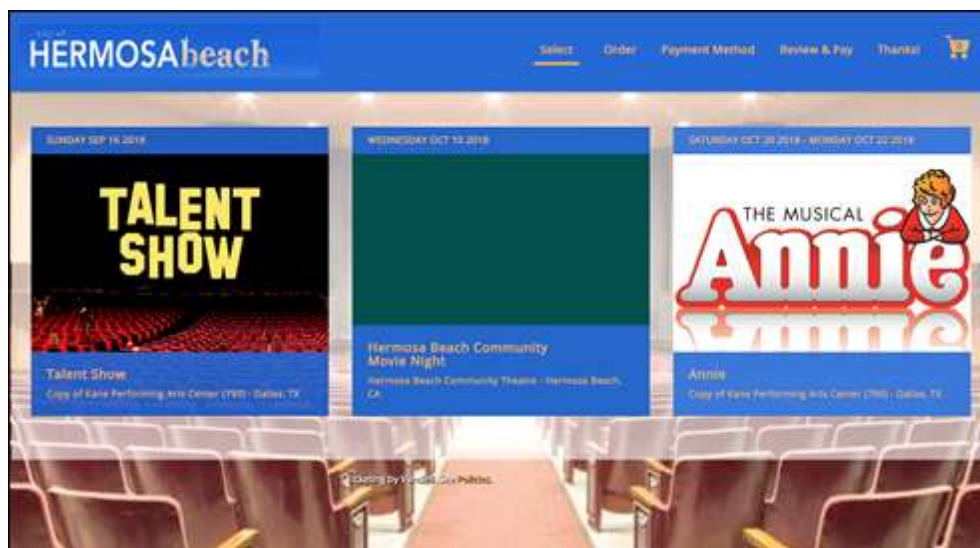
### **Features**

Vendini has many features that benefit city staff, facility renters, and theater patrons; optimizing both customer service and the experience of theater guests. These features are outlined below:

#### **Dedicated Venue Webpage**

Administrative staff can customize and update the venue webpage at any time. It is user-friendly and has an ease of use that allows flexibility and real-time updates without utilizing a lot of staff time. Pictures of the venue can be included, updated and customized to each event's production. Additionally, staff has the ability to include design elements from the City's webpage, visually aligning the Vendini webpage look to the City's, highlighting brand congruence and emphasizing to theater-goers that it is a service hosted by the City, which is important for customer confidence. A screenshot of a test page is included below, which depicts the seating area in the background and a similar header on the page matching those on the City's current official webpage:

#### **Image 1: Venue Webpage (test page)**



### **Ticketing Options**

Similar to other purchases made online, guests are able to have access to virtual tickets or the option to print them. This eliminates the need to print paper tickets for all seats in the theater, which can be a wasteful expense if patrons are open to providing virtual tickets for access. Virtual ticketing allows a more accessible means to purchase tickets, through a 24 hour a day, 7 days a week availability. This convenience is a great advantage for many event producers who solely rely on phone orders or in-person ticket exchange on select dates prior to the event.

Additionally, Vendini allows flexibility to offer pre-sale ticket promotions will little to no effort for setup online. This added option provides promotional opportunities to users to increase the number of patrons attending events. Lastly, users are also able to set up the option to have assigned seating, available to patrons at the time of purchase. The Vendini team is able to create a virtual seating chart, allowing patrons to select their desired seating when paying for their tickets. This service will only be available for the Community Theater due to the various and ongoing seating changes made in the 2<sup>nd</sup> Story Theater facility.

### **Marketing & Promotion Opportunities**

Vendini has several options available that allow additional promotional opportunities to users of the service. Through staff-assigned “tags” for each show entered into the system, staff can share information on similar shows at the time of ticket purchase in order to cross market shows. Additionally, staff can create a promotional prompt that will appear for all purchases, outlining upcoming events, activities, or even important facility or City information. This can be customized at any time and has the added option of having this information printed on the bottom of each ticket. In addition to promotional and marketing opportunities, discount codes can be issued as



---

## Staff Report

REPORT 19-0006

---

well as promotional codes.

### Reports

One of the advantageous functions of Vendini is its reporting capabilities in a secure and controllable environment, allowing the City to provide secure and limited access for facility users to track ticket sales and print reports at any time. Staff would create a unique login for each facility user and can limit this access to only the user's events. Staff can easily generate reports on event types, staff-created "tag" categories, and other queries to generate valuable facility usage information. Additionally, the program provides real-time tracking and reporting of attendees, which sometimes can be difficult to acquire from each renter.

### Agreement Terms & Fees

The proposed agreement with Vendini (**Attachment 1**) is for a three-year term. The agreement allows the City to discontinue service at any time following a 30-day notice of intent to terminate after the first 13 months, without penalty. If approved for implementation, there is a one-time initial cost of \$1,500.11 payable to Vendini for the following setup services:

- Account setup;
- Software and credit card equipment for the facility Box Offices (if necessary); and
- Venue map construction (Community Theater only)

Ongoing Vendini service fees, which cover software maintenance, will be paid by patrons purchasing tickets and included at the time of purchase; the City will not be required to pay Vendini following the initial setup costs. This service fee is \$1.00 + 2.5% of the ticket value. Further, the City has the ability to add an additional service fee, which staff recommends to be priced at \$1.50. This fee would also be applied to each ticket sold and will also be charged at the time of purchase, provided to the City for its oversight and management of the program. This recommendation is based on several factors including a desire to align with, as much as possible, the cost of Vendini's fees; efforts to keep the fee as low as possible against these newly implemented service fees to those purchasing tickets; and a desire to follow industry standards with other similar theater facilities' overall service fee prices. Each fee is itemized on receipts for transparency to the buyer. The same service fees are charged regardless of the means of payment (i.e. online, box office, etc.). Table 1 below includes a breakdown of fees for various ticket prices, applying the above-mentioned service fees:

---

**Table 1: Service Fee Breakdowns**

---

---

## Staff Report

REPORT 19-0006

---

<b>Ticket Cost</b>	<b>Vendini Service Fee \$1 + 2.5%</b>	<b>City Fee \$1.50</b>	<b>Total Ticket Cost</b>	<b>Total Service Fees</b>
<b>\$10</b>	\$1.25	\$1.50	\$12.75	\$2.25
<b>\$20</b>	\$1.50	\$1.50	\$23	\$3.00
<b>\$50</b>	\$2.25	\$1.50	\$53.75	\$3.75

The fees listed above do not include the City's 2.75% Credit Card Service Fee, which is currently applied to any credit card purchase made payable to the City. Additionally, all service fees are required regardless of the purchase method (i.e. online, in-person, etc.). The anticipated revenue from the \$1.50 per ticket service fee is approximately \$32,941.50 of additional revenue if all facility users utilize the Vendini service. This total is calculated using facility attendance figures from 2018, which include an estimated total of 18,200 for the Community Theater and 3,761 for the 2<sup>nd</sup> Story Theater.

As a result of some existing event producers having their own preferred method for tickets sales, staff does not propose requiring the use of Vendini for all events, however, will revisit this option in the future. Since there is staff time associated with the setup of each event as well as the time necessary to work with each user to finalize each events' ticket details, staff is further recommending a \$50 setup fee for cost recovery efforts, charged to the renter of the facility. If all users of the facilities were to use Vendini, using the 2018 figures as an estimate, there would be additional revenue of \$4,050 for the setup fee.

### Comparisons to Similar Online Ticketing Programs

Throughout staff's research in providing an online ticketing program that meets the current needs of the facility; provides a high-level of flexibility and customization; and offers fully accessible and comprehensive reporting options, Vendini was found to be far superior and inclusive of all desired features. While there are similar programs available, none provide a comprehensive approach as Vendini. Additionally, Vendini service fees are comparable to other programs and in several cases, is a lower cost. Table 2 includes a comparison of these service fees amongst comparable programs in addition to their limitations in comparison to Vendini.

---

**Table 2: Comparisons with Similar Online Ticketing Programs**

---

**Staff Report**

REPORT 19-0006

<b>Program</b>	<b>Service Fee (per ticket)</b>	<b>*Cost of Service Fee for \$20 ticket</b>	<b>Limitations</b>
<b>Vendini</b>	\$1 +2.5%of ticket value	\$1.50	
<b>Arts People</b>	\$0.25-\$1.25	\$0.25-\$1.25	1. Inabilityto create subaccounts 2. Not usefriendlyon the backend or for generating reports.
<b>Brown Paper Tickets</b>	\$0.99+ 3.5%of ticket value	\$1.69	1. Features and functionalityare for singleevents and not for venue management.
<b>Eventbrite</b>	\$1.59+ 3.5%of ticket value	\$2.29	1. Features and functionalityare for singleevents and not for venue management.
<b>Paypal</b>	\$0.30+ 2.9%of ticket value	\$0.88	1. Not a ticketing platform and therefore does not offer features or reporting capabilities.

\*These costs do not include the additional City fee, as included in Table 1 of this report. The City fee was omitted for ease of comparison purposes in this table.

The programs included in Table 2 were analyzed and compared due to several factors including:

- Their current utilization by facility users for their independent ticket processing (Brown Paper Tickets, Eventbrite and Paypal); and
- Programs are utilized by surrounding theater facilities (Arts People and Vendini).

In addition to the programs listed in the table, staff also completed preliminary research into two

---

## Staff Report

REPORT 19-0006

---

additional programs that, very early in the process, were found to be less than ideal for a variety of reasons. Choice Entertainment Technologies (Choice CRM) was reviewed due to its use by the Armstrong Theatre in Torrance. While this program is dedicated for use by theatre venues, it was found to be less user-friendly than Vendini, which would result in additional staff time for ongoing management and event generation. Additionally, staff reviewed PatronManager due to its current use at the Warner Grand Theatre in San Pedro. Initial estimates included \$10,000 for initial setup of the program. Considering the affordability of more suitable programs at a lower cost, staff did not analyze this program any further.

**Attachment 2** includes the resolution to establish the per-ticket service fee and setup fee.

### **General Plan Consistency:**

This report and associated recommendations have been evaluated for their consistency with the City's General Plan. Relevant policies are listed below:

- Governance Goal 1. A high degree of transparency and integrity in the decision-making process.
  - 1.10 - Record systems and technology. Maintain record systems and utilize technology that promotes public access.
- Governance Goal 3. Excellent customer service through the use of emerging technologies.
  - 3.1 - Increased access to services. Strive to provide access to facilities, programs, and services at times and locations that are convenient for residents and businesses.
  - 3.4 - Virtual public counter. As feasible, establish a "virtual" public counter through an online permitting system.

### **Fiscal Impact:**

Staff estimates additional revenue of approximately \$36,991.50 from the combined setup and the per-ticket service fees as further discussed in the analysis section above. If approved, revenue from the ticket service fee and setup fee would be estimated with the Midyear Budget. Additionally, staff estimates the total costs of the initial start up to be approximately \$3,000, which includes the initial Vendini cost, the purchase of two iPads for both Box Offices, and two iPod touches for ticket scanning purposes at each facility. Funds are available in the Community Resource Department's Contract Services account.

### **Attachments:**

1. Vendini Member Services Agreement
2. Resolution 19-xxx Establishing Per Ticket and Setup Fees

**Respectfully Submitted by:** Kelly Orta, Community Resources Manager

**Noted for Fiscal Impact:** Viki Copeland, Finance Director

**Legal Review:** Mike Jenkins, City Attorney

---

**Staff Report**

REPORT 19-0006

---

**Approved:** Suja Lowenthal, City Manager



**VENDINI**  
**MEMBER SERVICE AGREEMENT**

### **1. Parties**

This Member Service Agreement (“MSA” or “Agreement”) is entered into between Vendini, Inc. located at 660 Market Street, San Francisco, CA 94104, (“Vendini”) and City of Hermosa Beach (“Member”) located at following address 1315 Valley Drive, Hermosa Beach, CA 90254 as of the date of the last party to sign this MSA (the “Effective Date”). The pricing terms set forth via proposal #50660 constitute an integral part of this MSA and together with this MSA set forth the commercial arrangements between the parties.

### **2. Introduction and Definitions**

Vendini operates an online service, consisting of ticketing, event, patron management and website services provided by Vendini, and by third parties (collectively, the “Services”). “Events” are any events, activities, or resources to which Member is authorized to sell or provide access. “Tickets” are any and all forms of tickets, reservations, tuitions, memberships, certificates, coupons, merchandise, or confirmations that allow the holder access to, participation in, or use of Member events. “Patron” refers to any person or organization committing to the purchase of Tickets. Unless otherwise specified, each and every reference to a monetary amount in this Agreement means United States dollars.

### **3. Term**

Subject to early termination rights as set forth in Section 15, the term of this MSA shall commence on the Effective Date and continue through the three (3) year anniversary of the initial sale of Tickets. This Agreement will expire at the end of the term unless renewed by a written amendment to this Agreement.

### **4. Changes in Terms and Conditions**

Vendini has the right to change or discontinue any aspect or feature of the Services that it makes available to its customers generally, including, but not limited to, content, hours of availability, and equipment needed for access or use, at any time. Vendini shall provide the Services to Member in the form that Vendini makes such Services generally available from time to time during the term of this Agreement. Vendini may update or change the Services or change or modify the terms and conditions applicable to Member’s use of the Services, or any part thereof, or to impose new conditions. Such changes, modifications, additions or deletions shall be effective immediately upon notice thereof, which may be given by means including, but not limited to, posting on the Services, or by electronic or conventional mail, or by any other means by which Member obtains notice thereof. Any use of the Services by Member subsequent to such notice shall be deemed to constitute acceptance by Member of such changes, modifications or additions. Notwithstanding the foregoing, in the event a material aspect or feature of the Services needs to be changed or discontinued, Vendini shall use reasonable efforts to provide Member with 30 days prior notice to such change or discontinuance. In the event of a material change in the terms of this MSA that adversely affects Member, Member shall have the right to terminate the Agreement immediately and without penalty.

### **5. Exclusivity**

Member agrees that Vendini shall have the exclusive right during the term of this Agreement to provide ticketing, event and patron management services to Member via any and all means and methods where City of Hermosa Beach has control. For events not exclusively produced by the City of Hermosa Beach, Member can reserve the right to use other third party platforms. Member shall not directly or indirectly engage any third party to provide services that are the same or similar to those services provided by Vendini hereunder. This exclusive right shall include all future methods and technologies for ticket distribution which may be developed from time to time during the term of this Agreement. Member specifically acknowledges and agrees that this exclusive relationship is an essential element of the agreement with Vendini and that a breach of this provision will result in damages to Vendini, which are impossible to ascertain. Accordingly, if Member terminates this

Agreement without cause prior to the expiration of the initial Term, after the first year of service and provided that Vendini has not materially changed the terms and conditions of this MSA pursuant to Section 4, Member agrees to pay Vendini as liquidated damages and not as a penalty an early termination fee equal to the highest grossing fee month multiplied by the number of months remaining in the applicable term but not less than five-thousand dollars (\$5,000).

## **6. Conduct of Member**

### **(a) Interests; Ownership**

Member is a producer, promoter, presenter, or manager of events. Under this Agreement, Member contracts with Vendini to provide the Services. Member represents and warrants to Vendini that it has full power and authority to enter into this Agreement and to offer, sell, and honor the tickets to the Events it offers via the Services. Member acknowledges that Vendini owns all right, title and interest in and to the Services. Member shall not be entitled to: (i) rent, lease, copy, provide access to or sublicense the Services to a third party or use the Services to provide a service to a third-party; (ii) incorporate the Services into any other offering (whether software as a service or otherwise); (iii) reverse engineer, decompile, disassemble, or otherwise seek to obtain the source code or APIs to the Services, (iv) modify the Services or create any derivative product from any of the foregoing, (v) remove or obscure any product identification, proprietary, copyright or other notices contained in the Services (including any reports or data printed from the Services), or (vi) publicly disparage the performance of the Services.

### **(b) Responsibility of Member**

Member agrees to accept, honor, and fulfill ticketing commitments that have been confirmed by the Services. Verification of customer name, address, customer number, membership status and/or confirmation number at or prior to the corresponding Event is the responsibility of the Member.

### **(c) Lawful Use**

Member shall use the Services for lawful purposes only. Member shall not post or transmit through the Services any material which: (i) violates or infringes in any way upon the rights of others; (ii) is unlawful, threatening, abusive, defamatory, invasive of privacy or publicity rights, vulgar, obscene, profane or otherwise objectionable; (iii) encourages conduct that would constitute a criminal offense, give rise to civil liability or otherwise violate any law; or (iv) contains advertising or any solicitation with respect to products or services, unless Vendini shall have expressly approved such material in advance of its transmission. Any conduct by a Member that in Vendini's discretion restricts, inhibits or negatively impacts any third party's use of the Services is expressly prohibited.

### **(d) Uploading Of Intellectual Property**

Member shall not upload, post, or otherwise make available through the Services any material protected by copyright, trademark, or other proprietary right, without the express written permission of the owner of the copyright, trademark, or other proprietary right, and the burden of determining that any material is not protected by copyright rests with Member. Without limiting the application of Section 8, Member shall be solely liable for, and shall indemnify and hold Vendini and its business partners, third-party suppliers and providers, licensors, officers, directors, employees, distributors and agents harmless against any damage resulting from any infringement of copyrights, proprietary rights, or any other harm resulting from such a submission. By making material available through the Services, Member automatically grants, or warrants that the owner of such material has expressly granted Vendini the royalty-free, perpetual, irrevocable, non-exclusive right and license to use, reproduce, modify, adapt, publish, translate, and distribute such material (in whole or in part) worldwide and/or to incorporate it in other works solely in furtherance of providing the Services to Member. Member hereby grants Vendini the right to copy, publish, and distribute any material made available on the Services by Member for the purpose of providing the Services to Member.

### **(e) Email Marketing**

Member represents, covenants, and warrants that it will use the email marketing tools provided in the Services only in compliance with the Agreement, the federal CAN-SPAM Act of 2003, the Canadian law commonly known as Canada's Anti-

Spam Legislation, and all other applicable laws (including but not limited to policies and laws related to spamming, privacy, obscenity, or defamation and child protective email address registry laws). Member agrees that it is solely responsible for compliance with such laws and will maintain necessary policies, procedures, records and other documentation that may be necessary to establish compliance with such laws. Member will cooperate with Vendini, at the Member's own expense, in responding to any regulatory investigation or proceeding in relation to Member's use of the email marketing tools provided in the Services, including without limitation, by producing all policies, procedures, records and other documentation necessary to establish compliance with applicable laws. Member agrees that it will not access or otherwise use third-party mailing lists in connection with preparing or distributing unsolicited email to any third party. If required by applicable law, Member will ensure that it has the express consent (in the form and manner required by such applicable law) of the intended recipient of an email prior to sending email to that recipient using the email marketing tools provided in the Services. Member will not alter, disable, disrupt, or otherwise interfere with any unsubscribe mechanism used in the email marketing tools provided in the Services. Member will give effect to any unsubscribe request that the Member receives other than through the email marketing tools provided in the Services within 10 days of receipt by amending the Patron record by turning off updates. Without limiting the application of Section 8, Member agrees to defend, indemnify and hold harmless Vendini and its business partners, third-party suppliers and providers, licensors, officers, directors, employees, distributors and agents against any damages, losses, liabilities, administrative monetary penalties, settlements, and expenses (including without limitation costs and reasonable attorneys' fees) in connection with any claim, action, regulatory investigation, or other proceeding that arises from an alleged violation of the foregoing or otherwise arising from or relating to Member's use of the Services. Although Vendini has no obligation to monitor the content provided by Member in connection with its use of the Services, Vendini may do so and may remove any such content or prohibit any use of the Services that Vendini believes may be (or is alleged to be) in violation of the foregoing. Patron email addresses provided to Vendini may be used by Vendini in accordance with Vendini's then-current privacy policies as described at [www.vendini.com/privacy](http://www.vendini.com/privacy).

#### **(f) Non-Disclosure and Other Restrictions**

Vendini's "confidential information" means any and all products provided by Vendini hereunder and information concerning any aspect of Vendini's business or proposed business not generally known to persons not associated with Vendini that is: (i) disclosed and designated to Member in writing, or (ii) disclosed orally and designated "confidential" in writing by Vendini within thirty (30) days after such oral disclosure. Vendini's confidential information includes, without limitation, information concerning Vendini's products, proposed products, product designs, manufacturing processes and techniques, trade secrets, business strategy, and results from the evaluation and/or services hereunder.

Member's "confidential information" means any information concerning Member's venue or business not generally known to persons not associated with the Member that is: (i) disclosed and designated to Vendini in writing, or (ii) disclosed orally and designated "confidential" in writing by Member within thirty (30) days after such oral disclosure.

Each party agrees to not disclose or make use of, or allow others to use, any of other party's confidential information, except to such party's employees and representatives who have a "need to know" in order to conduct the evaluation and/or services described above.

Each party shall take all reasonable precautions to prevent unauthorized disclosure or use of other party's confidential information. Each party shall, at other party's request, promptly return any materials and copies of confidential information provided by such party.

Neither party shall be under any obligation, with respect to any particular item of confidential information, when such party can document that such item of information: (i) is publicly known and available not due to such party's act or failure to act, or (ii) was in such party's possession prior to disclosure by the other party as evidenced by a written instrument, or (iii) comes into such party's possession through a third party free of any obligation of confidence to other party, or (iv) is disclosed by such party with the other party's prior written approval.

### **7. Limitations**

#### **(a) Limitations on Liability.**

VENDINI'S LIABILITY HEREUNDER SHALL NOT EXCEED THE AMOUNT PAID BY MEMBER TO VENDINI



DURING THE THREE (3) MONTH PERIOD BEFORE THE ACTION AROSE. VENDINI SHALL NOT BE LIABLE FOR (A) ANY LOSS OF USE, LOSS OF DATA, OR INTERRUPTION OF BUSINESS OR (B) ANY INDIRECT, SPECIAL, INCIDENTAL, CONSEQUENTIAL, OR PUNITIVE DAMAGES OF ANY KIND (INCLUDING, WITHOUT LIMITATION, LOST PROFITS), REGARDLESS OF THE FORM OR ACTION, WHETHER IN CONTRACT, TORT (INCLUDING NEGLIGENCE), STRICT LIABILITY, OR OTHERWISE, EVEN IF VENDINI HAS BEEN ADVISED OF THE POSSIBILITY OF SUCH DAMAGES. MEMBER ACKNOWLEDGES THAT THESE LIMITATIONS ARE AN ESSENTIAL ELEMENT OF THIS AGREEMENT, AND ABSENT SUCH LIMITATIONS, VENDINI WOULD NOT ENTER INTO THIS AGREEMENT.

THIS DISCLAIMER OF LIABILITY APPLIES TO ANY DAMAGES OR INJURY CAUSED BY ANY FAILURE OF PERFORMANCE, ERROR, OMISSION, INTERRUPTION, DELETION, DEFECT, DELAY IN OPERATION OR TRANSMISSION, COMPUTER VIRUS, COMMUNICATION LINE FAILURE, THEFT OR DESTRUCTION OR UNAUTHORIZED ACCESS TO, ALTERATION OF, OR USE OF RECORD, WHETHER FOR BREACH OF CONTRACT, TORTIOUS BEHAVIOR, NEGLIGENCE, OR UNDER ANY OTHER CAUSE OF ACTION.

**(b) Use Is At Member's Risk**

Member expressly agrees that use of the Services is at Member's own risk. Member shall be responsible for protecting the confidentiality of Member's password(s), and for all activity that takes place using such passwords. Member acknowledges that Vendini does not commit to supporting or specifying any particular browsing or operating platform.

**(c) Disclaimer of Warranties**

THE SERVICES ARE PROVIDED ON AN "AS IS" BASIS WITHOUT WARRANTIES OF ANY KIND, EITHER EXPRESS OR IMPLIED, INCLUDING, BUT NOT LIMITED TO, WARRANTIES OF TITLE OR IMPLIED WARRANTIES OF MERCHANTABILITY OR FITNESS FOR A PARTICULAR PURPOSE, OTHER THAN THOSE WARRANTIES WHICH ARE IMPLIED BY AND INCAPABLE OF EXCLUSION, RESTRICTION OR MODIFICATION UNDER THE LAWS APPLICABLE TO THIS AGREEMENT. NEITHER VENDINI, ITS AFFILIATES, NOR ANY OF THEIR RESPECTIVE EMPLOYEES, SHAREHOLDERS, AGENTS, THIRD PARTY PROVIDERS OR LICENSORS, WARRANT THAT THE SERVICES WILL BE UNINTERRUPTED OR ERROR FREE; NOR DO THEY MAKE ANY WARRANTY AS TO THE RESULTS THAT MAY BE OBTAINED FROM USE OF THE SERVICES, OR AS TO THE ACCURACY, RELIABILITY OR CONTENT OF ANY INFORMATION, SERVICE, OR MERCHANDISE PROVIDED THROUGH THE SERVICES.

**(d) Member's Waiver of Damages**

IN NO EVENT WILL VENDINI, OR ANY PERSON OR ENTITY INVOLVED IN CREATING, PRODUCING, OR DISTRIBUTING THE SERVICES BE LIABLE FOR ANY INDIRECT, INCIDENTAL, SPECIAL, CONSEQUENTIAL, OR PUNITIVE DAMAGES ARISING OUT OF THIS AGREEMENT OR THE USE OF OR INABILITY TO USE THE SERVICES.

IN ADDITION TO THE TERMS SET FORTH ABOVE, NEITHER, VENDINI, NOR ITS AFFILIATES, INFORMATION PROVIDERS, OR CONTENT PARTNERS SHALL BE LIABLE REGARDLESS OF THE CAUSE OR DURATION, FOR ANY ERRORS, INACCURACIES, OMISSIONS, OR OTHER DEFECTS IN, OR UNTIMELINESS OR INTERRUPTION IN THE TRANSMISSION THEREOF TO A PATRON, OR FOR ANY CLAIMS OR LOSSES ARISING THEREFROM OR OCCASIONED THEREBY. NONE OF THE FOREGOING PARTIES SHALL BE LIABLE FOR ANY THIRD-PARTY CLAIMS OR LOSSES OF ANY NATURE. INCLUDING, BUT NOT LIMITED TO, LOST PROFITS, PUNITIVE OR CONSEQUENTIAL DAMAGES.

Because some jurisdictions do not allow for the exclusion of damages, Vendini's liability in such jurisdictions will be limited to the greatest extent permitted by the law of such jurisdiction. In such jurisdictions, Member agrees that in no event will Vendini's liability to Member in connection with Vendini's provision of the Services and the terms of this Agreement exceed the amount paid by Member to Vendini in the six months immediately preceding the event which gave rise to such liability. In addition, because some jurisdictions do not permit the disclaimer of certain warranties, the disclaimers set forth in this Section 7 may not apply to you.

## **8. Indemnification**

Member agrees to defend, indemnify, and hold harmless Vendini, its affiliates and their respective directors, officers, shareholders, employees, agents, and assigns from and against all claims, settlements, administrative monetary penalties and expenses, including attorneys' fees, arising out of Member's use of the Services, including without limitation any dispute between Member and any guest or ticket holder of Member or any investigation or proceeding commenced by a governmental or regulatory authority. Without limiting the foregoing, Member agrees to defend Vendini, provided that Vendini promptly notifies Member of any such claim, administrative monetary penalty, investigation, proceeding or expense, cooperates with such defense at Member's expense, and Vendini allows Member control of the defense. Vendini shall have the right, but not the obligation, to be represented by counsel of its choice and to participate in the defense of the claim, administrative monetary penalty, investigation or proceeding; provided, however, that the expense of such counsel and such participation shall be borne by Vendini.

Vendini agrees to defend, indemnify, and hold harmless Member, its affiliates and their respective officers, employees, agents, and assigns from and against all claims, settlements, administrative monetary penalties and expenses, including attorneys' fees, arising out of Vendini's negligent or wrongful conduct in the performance of its obligations under this Agreement, including, without limitation, liability for copyright infringement. Without limiting the foregoing, Vendini agrees to defend Member, provided that Member promptly notifies Vendini of any such claim, administrative monetary penalty, investigation, proceeding or expense, cooperates with such defense at Vendini's expense, and Member allows Vendini control of the defense. Member shall have the right, but not the obligation, to be represented by counsel of its choice and to participate in the defense of the claim, administrative monetary penalty, investigation or proceeding; provided, however, that the expense of such counsel and such participation shall be borne by Member.

## **9. Fees and Charges; Merchant Accounts**

### **(a) General**

For its services, Vendini applies transaction fees to Member's account, which are covered (i) entirely by Member, (ii) entirely by Patron, or (iii) by a combination of Member and Patron. A complete breakdown of transaction fees is available in Member's account section immediately after account has been upgraded to live mode. All sales, fees, and funds are payable in U.S. dollars. A complete schedule of fees, account activity, and reserve details are provided in Member's account.

### **(b) Upfront Fees**

Member shall pay any upfront fees before the Services are upgraded to live mode. Vendini will communicate details of upfront fees to Member in proposal #50660.

### **(c) Ongoing Fees**

Ongoing fees for products and services will be communicated to Member from Vendini in proposal #50660. Ongoing fees are posted in Member's Account Information under Financials immediately after the account has been upgraded to live mode. Vendini shall have the right to set-off amounts that may be owing by Member to Vendini against amounts that are payable by Vendini to Member.

### **(d) Merchant Accounts**

Member may elect to have its Patrons purchase Tickets through Member's merchant account ("MMA") or through Vendini's merchant account ("VMA") for either website and/or retail transactions. If Member has elected to have its Patrons purchase Tickets through VMA, such Tickets are considered to be Vendini inventory, which Vendini sells to Patrons as part of a direct retail transaction with such Patron.

**(e) Credit Card Processing Failover Service**

Vendini will provide credit card processing failover service through the VMA in the event Member's credit card gateway, Member's merchant processor, and/or Member's merchant bank is unavailable or unable to handle credit card processing. Vendini will charge 3.5% of the transaction for this service, provided that Member may opt out of this service at any time.

**(f) Daily Fee Collection - Member's Merchant Account**

Member agrees that Vendini may deduct all fees and charges via ACH debit (or international equivalent) from the Member's business checking account for all website and/or retail transactions. Member must have a business checking account. Activation may take up to 7 business days. Member agrees to execute any instruments required by Vendini to give effect to daily fee collection.

Vendini will initiate an ACH debit to Member's business checking account 2 business days after transactions occur to collect fees and payments due to Vendini. Vendini will wait until the collection amount is greater than or equal to \$25.00 before collecting. An outstanding balance of less than \$25.00 will be collected on a monthly basis.

Member agrees that there will be sufficient funds in Member's business checking account at time of collection. Member agrees that Vendini will not be held responsible for charges incurred due to insufficient funds. In the event funds are not available in Member's checking account at time of collection, Vendini will attempt to draft again the next business day. A fee of \$25.00 will be assessed for each transaction if funds are not available.

Vendini can accommodate monthly billing if required of city entities. Vendini will bill member on a monthly basis via invoice. Member agrees to issue A Purchase Order Number must be submitted no later than 5 days after date of invoice.

Delinquent accounts are subject to termination of Member's account.

**(g) Weekly Disbursement and Fee Collection – Vendini Merchant Account**

If applicable, Member agrees that Vendini may deposit credit card revenues collected via Vendini's merchant account less any fees or charges via ACH credit to Member's business checking account. Should any fees or charges exceed credit card revenues, Member agrees that Vendini will deduct fees via ACH debit (or international equivalent) from Member's business checking account. Member must have a business checking account. Activation may take up to 7 business days. Member agrees to execute any instruments required by Vendini to give effect to weekly disbursement and fee collection.

Disbursements and fee collections for events dates that have occurred will be reconciled with Member's checking account the Wednesday following the event date, unless the event date occurs on a Monday or Tuesday. If the event date occurs on a Monday or Tuesday, reconciliation will be made the following Wednesday. If Wednesday is a day on which banks are closed in the United States or the country in which the Member is located, reconciliation will occur on the next business day after the Holiday if reconciliation is due.

Reserves are held to cover any applicable refunds, chargebacks, related charges, or fees due. A minimum reserve of 5% of disbursements will be held at the time an Event is settled and will be paid out on the next disbursement cycle following 90 days past the settlement date less refunds, chargebacks, related charges, or fees due.

**(h) Monthly Disbursement and Fee Collection**

If Member has elected to have its Patrons purchase Tickets using VMA, and has not opted for Weekly Disbursement and Fee Collection, disbursements will be made by check. For all transactions processed with VMA, Vendini will issue payments to Member on a monthly basis, on the closest business day after the 30th of the month or the last day of the month (whichever occurs first.) Payments will include credit card revenues collected through VMA as of 11:59:59PM Pacific Time on the 20th day of the month for Events where the Event date has passed, less any fees or charges. Checks will be mailed via United States Postal Service First Class Mail to the address provided in the Member account section.

Should the amount of authorized fees or charges exceed the amount of revenues collected, Member's account may be subject to suspension or termination.

A service fee of \$10/month applies and will be deducted from each disbursement.

A reserve may be held to cover any applicable refunds, chargebacks, related charges, or fees due. A reserve of up to 10% of disbursements may be held at the time an Event is settled and will be paid out on the next disbursement cycle following 90 days past the settlement date less refunds, chargebacks, related charges, or fees due.

If for any reason a check needs to be re-issued, Vendini will cancel original check and re-issue a new check on the billing cycle following 6 weeks from original issue date.

#### **(i) Cancellations and Refunds for Transactions using VMA**

Vendini may choose to process the refund on any credit card chargebacks initiated by Patrons through their credit card issuing bank if there is no prompt amicable resolution.

Vendini is authorized to deduct these costs from Member's outstanding balance, or invoice Member for the costs if no balance exists. Vendini reserves the right to withhold up to 100% of disputed booking revenues for any event for a period up to 180 days after the event occurs, to allow all returns and disputed charges to clear processing.

VENDINI WILL NOT BE HELD RESPONSIBLE FOR MONETARY LOSS DUE TO FRAUDULENT TRANSACTIONS PROCESSED THROUGH THE VENDINI SERVICE. FRAUDULENT TRANSACTIONS, INCLUDING BUT NOT LIMITED TO CREDIT CARD THEFT AND/OR IDENTITY THEFT THAT ARE DISPUTED BY THE CARDHOLDER THROUGH THE CARDHOLDER'S BANK WILL BE IMMEDIATELY REFUNDED BY VENDINI. MEMBER AGREES THAT VENDINI MAY COLLECT REFUNDED TRANSACTIONS (INCLUDING ORIGINAL PROCESSING FEES) DUE TO FRAUD FROM MEMBER. REFUND AND CHARGEBACK FEES ALSO APPLY.

#### **(j) Cancellation and Refunds for Transactions using MMA**

VENDINI WILL NOT BE HELD RESPONSIBLE FOR MONETARY LOSS DUE TO FRAUDULENT TRANSACTIONS PROCESSED THROUGH THE VENDINI SERVICE. IT IS THE SOLE RESPONSIBILITY OF MEMBER TO RESOLVE ANY ISSUE RELATED TO FRAUDULENT TRANSACTIONS, INCLUDING BUT NOT LIMITED TO CREDIT CARD THEFT AND/OR IDENTITY THEFT, THAT ARE DISPUTED BY THE CARDHOLDER AND/OR THE CARDHOLDER'S BANK.

### **10. Use of Equipment**

If Vendini grants to the Member the right to use equipment ("Equipment") in connection with the Services at no additional cost, then Member is obligated to return the Equipment to Vendini (at Member's cost) upon termination of this Agreement. Member shall not rent, lease, sell or otherwise transfer the Equipment to any third parties. Member shall supervise and control the use of the Equipment by its employees to ensure that its use is in compliance with this Agreement. This Agreement conveys no ownership interest in the Equipment to Member. Member shall be responsible for the Equipment from the time it is delivered to Member until it is returned to Vendini. Member shall reimburse Vendini for any damage to the Equipment sustained during this time period. If Vendini does not receive the Equipment within thirty (30) days of the termination date of this Agreement, Member shall pay Vendini the Replacement Value (defined as replacement cost, shipping fees, and sales tax not included in replacement cost). Actual cost will be assessed at time of replacement. THE EQUIPMENT IS PROVIDED "AS IS." VENDINI MAKES NO WARRANTIES, EXPRESS OR IMPLIED, WITH RESPECT TO THE EQUIPMENT.

### **11. Website Manager**

If applicable, Vendini will provide Member with a website (the "Site") that is integrated with the Vendini ticketing system and hosted by Vendini. Member understands and agrees that Vendini will host and create the Site solely in accordance with the

*Vendini Member Service Agreement – Page 7*

information provided by Member. With the exception of any Third-Party Materials and Background Technology as set forth in this Section 11, the Member owns the Customer Content. "Customer Content" means all content or information (including, without limitation, any text, music, sound, photographs, video, graphics, data, or software), in any medium, provided by Member to Vendini. "Third-Party Materials" means any content, software, or other computer programming material that is owned by an entity other than Vendini and licensed by Vendini or generally available to the public, including Member, under published licensing terms, and that Vendini will use to display or run a Site. Vendini owns the rights to the design of the Site. Upon termination of this Agreement Member will not be entitled to use the Site for any purposes whatsoever.

"Background Technology" means computer programming/formatting code or operating instructions developed by or for Vendini and used to host or operate the Site or a Web server in connection with the Site. Background Technology includes, but is not limited to, any files necessary to make forms, buttons, checkboxes, and similar functions and underlying technology or components, such as style sheets, animation templates, interface programs that link multimedia and other programs, customized graphics manipulation engines, and menu utilities, whether in database form or dynamically driven. Background Technology does not include any Customer Content. Member may not duplicate or distribute any Background Technology to any third party without the prior written consent of Vendini. All rights to the Background Technology not expressly granted to Member hereunder are retained by Vendini. Without limiting the foregoing, Member agrees not to reverse-engineer, reverse-assemble, decompile, or otherwise attempt to derive any source code of the Background Technology, except as allowed by law.

Member hereby grants to Vendini the limited, nonexclusive right and license to copy, distribute, transmit, display, perform, create derivative works from, modify, and otherwise use and exploit the Site, any Customer Content, or any Customer Marks provided to Vendini hereunder, solely for the purpose of rendering the Web Services under this Agreement. Such limited right and license shall extend to no other materials or for any other purpose and will terminate automatically upon termination of this Agreement for any reason. Member agrees not to provide Customer Content that (a) infringes on any third party's intellectual property or publicity/privacy rights; (b) violates any applicable law or regulation; (c) is defamatory, violent, clearly harmful, or obscene or pornographic or infringes on citizens' rights; or (d) contains any viruses, Trojan horses, worms, time bombs, cancel bots, or other computer programming routines that are intended to damage or interfere with any system, data, or personal information. Vendini reserves the right to refuse any other subject matter it deems inappropriate.

Member hereby acknowledges and agrees that Vendini will not be liable for any temporary delay, outages or interruptions of the Web Services. Each party acknowledges that it has not entered into this Agreement in reliance upon any warranty or representation except those specifically set forth herein.

## **12. Gift Cards**

Vendini will provide Member with software designed to sell Gift Cards (the "Gift Cards") that is integrated with the Vendini ticketing system and hosted by Vendini. Member understands and agrees that Vendini will host and create the Gift Cards solely in accordance with the information provided by Member. The Gift Card can be created and sold to Patrons for future redemption of eligible Vendini products created by Member. Gift Cards may not be redeemed for the purchase of products from other Vendini Members. Gift cards cannot be reloaded, resold, transferred for value, redeemed for cash or applied to any other account, except in the extent required by law. Unused gift card balances may not be transferred.

The risk of loss and title for Gift Cards passes to the Member upon purchase. Vendini is not responsible if Gift Cards are lost, stolen, destroyed or used without valid permission. Vendini retains the right to close Member accounts and bill alternative forms of payment if a fraudulently obtained Gift Card is redeemed and/or used to make purchases with Vendini or any of its affiliated websites.

Gift Cards must be redeemed toward the purchase of eligible Vendini products created by Member. Purchases are deducted from the Gift Card balance. Any unused balance will remain as the Gift Card balance. If an order exceeds the amount of the Gift Card, the balance must be paid with a credit card or other available payment method. Vendini may provide Gift Card purchasers with information about the redemption status of the Gift Cards that they purchase.

Gift Card Balance can be obtained from Vendini's administrative (the "Member Home") and point of sale applications where Gift Cards are managed and sold. A Gift Card cannot be "reloaded" (i.e., additional value cannot be added to a Gift Card once issued).

Expiration dates do not apply for Gift Cards issued in certain states in the United States and certain provinces in Canada.

Similarly, Gift Cards are not redeemable for cash except in certain states in the United States and certain provinces in Canada. It is Member's responsibility to determine its own obligations pertaining to the use of Gift Cards as such use is subject to applicable federal and state laws and regulations. Please be advised that many states and some provinces in Canada treat gift cards that have been unused for a certain period of time as abandoned property subject to escheat.

### **13. Customer Lists**

Member agrees that Vendini may use its organization's name and may use images that are posted on the Site to identify Member as a customer of Vendini, in investor documents (whether or not filed with the Securities and Exchange Commission), and as part of a list of Vendini's customers for use and reference in Vendini's corporate and marketing literature.

### **14. Entire Agreement**

This Agreement constitutes the entire agreement of the parties with respect to the subject matter hereof, and supersedes all previous written or oral agreements between the parties with respect to such subject matter. Any amendments or modifications to this Agreement must be agreed to by Vendini and Member in writing.

If any of the terms, provisions, or conditions of this Agreement or the application thereof to any circumstances shall be ruled invalid or unenforceable, the validity or enforceability of the remainder of this Agreement shall not be affected thereby, and each of the other terms, provisions, and conditions of this Agreement shall be valid and enforceable to the fullest extent permitted by law.

### **15. Early Termination**

If either party breaches any of its material obligations under this Agreement, the other party will have the right to terminate the Agreement and/or discontinue delivery of service by giving 30 days' written notice to the breaching party unless the breaching party remedies the breach within a 30-day period.

Either party has the right to immediately, without notice, terminate this Agreement in the event either party terminates or suspends its business, becomes insolvent, makes an assignment for the benefit of creditors or suffers or permits the appointment of a receiver, trustee in bankruptcy, or similar official.

Upon any expiration or termination of this Agreement, Vendini will stop providing the Services to Member. Termination of this Agreement will not terminate the confidentiality and indemnification obligations herein.

If member finds service unsatisfactory there will be a 30 day opt out period that will begin 12 months after first ticket sold through Vendini. The early termination fee will not apply.

Member's obligations to pay the costs, expenses and fees due will survive the termination of this Agreement unless such termination is the result of a non-cured breach by Vendini. In such instance, Member will be responsible for costs, expenses and fees due up to the termination date. In the event that Vendini is required to pursue any legal remedies available to it as a result of Member's breach of this Agreement, Vendini shall be entitled to seek reimbursement from Member of Vendini's reasonable attorneys fees.

In addition to the foregoing, Member's account may be terminated if there has been a period of sales inactivity of over 12 months (in which case a re-activation fee \$995.00 will apply) or if there are unusually high occurrences of refunds or chargebacks.

### **16. Controlling Law; Attorneys Fees**

This Agreement shall be construed in accordance with the laws of the State of California, without regard to its conflict of laws rules. Any cause of action of any nature arising out of this Agreement shall be brought in the state or federal courts located in San Francisco, California. If either party employs an attorney to enforce any rights arising out of or relating to this Agreement, the

*Vendini Member Service Agreement – Page 9*

prevailing party shall be entitled to recover its reasonable attorney fees, costs and other expenses.

**17. Addresses and Notices**

Any communications under this Agreement shall be in writing and are deemed delivered upon receipt by the addressed party at the address specified herein. Communications may be sent by hand or messenger, by commercial overnight carrier, or by US mail (return receipt requested).

Vendini, Inc.  
660 Market Street  
San Francisco, CA 94104

**18. Force Majeure**

Except for the payment of any amount due pursuant to this Agreement, neither party will be liable to the other for damages in the event of any loss, damage, claim, delay or default arising by reason of Acts of Mother Nature, storm, fire, flood, earthquake, labor disturbance (including strikes, lockouts, and boycotts), war or terrorism, vandalism, civil commotion, shortages or unavailability of labor, present or future governmental law, ordinance, rule, or regulation, disruption of postal, banking, electrical, telephone or utility service, or other cause beyond the control of the party sought to be charged.

**19. PCI Compliance**

The scope of Vendini's Payment Card Industry ("PCI") compliance is limited solely to those systems within Vendini's direct control and does not extend to hardware purchased by or on behalf of Member whether that hardware is purchased through Vendini or another vendor. Member is responsible for the full scope of its own PCI compliance at all times. Vendini is considered to be a "Service Provider" as defined in the Payment Card Industry (PCI) Data Security Standard Glossary, Abbreviations and Acronyms. As such, Vendini will provide Member with its current PCI Attestation of Compliance at Member's request.

**20. Headings**

The section headings used herein are for convenience only and shall not be given any legal import whatsoever.

**21. Language/Langue**

The parties hereto acknowledge and confirm that they have requested that this Agreement as well as all notices and other documents contemplated hereby be drawn up in the English language. **Les parties aux présentes reconnaissent et confirment qu'elles ont convenu que la présente convention ainsi que tous les avis et documents qui s'y rattachent soient rédigés dans la langue anglaise.**

**22. Signatures**

In witness whereof, the parties have hereunto set their hands and seals as of the date set out beneath their respective signatures.

Member Name: City of Hermosa Beach

Vendini, Inc.

Signed By: \_\_\_\_\_

Signed By: \_\_\_\_\_

Authorized Signer's Name: \_\_\_\_\_

Name: Mike Farrow

Authorized Signer's Title: \_\_\_\_\_

Title: Chief Financial Officer

Date: \_\_\_\_\_

Date: \_\_\_\_\_



**VENDINI PROPOSAL # 50660**

PREPARED FOR BRIAN BYRD  
 CREATED ON: NOV 26, 2018  
 PAYMENT: ACTIVE  
 ORDER: PENDING

Contact: Thao Le  
[tle@vendini.com](mailto:tle@vendini.com)  
 1 (800) 901-7173 x9921

# Vendini Overview

## About Us

The Vendini solution is designed with the big picture in mind. It's the ultimate all-in-one system that simplifies your business and allows you to focus on growth and prosperity. Depending on your organization's needs, you can use some or all parts of the system - It's up to you. Vendini provides system experts to ensure a smooth transition and our customer success team will provide support every step of the way.

## Advantage by Design

The Vendini solution is powerful, yet simple to use. Our web-based applications are accessible through your internet browser and regular software upgrades make it easy to work with a wide-range of hardware. We also offer apps for mobile devices. [TAKE A TOUR »](#)



### Grow Your Business

- Sell tickets from your box office, website, Facebook or a site created and hosted by Vendini.
- Control fees, own your customer data and build lasting relationships with included CRM.
- Market your events and promote your organization to boost ticket sales and donations.



### Save Time and Money

- Easy to use software, apps and live training included.
- Comprehensive financial reporting. Get what you need quickly and share with stakeholders.
- Unlimited user licenses. Ability to set specific permissions depending on role.



### Build Your Brand

- Keep patrons on your own website for all transactions.
- Send emails and promote your business through social media.
- Customize events and tickets to reflect your personality.

# Service & Support

## Service

Vendini is PCI Level 1 3.1 Compliant. Every aspect of the Vendini system is secure and reliable. Our applications are hosted and managed offsite by Vendini employees and secure servers are located throughout the United States. [MORE INFO >>](#)



## Support

Vendini offers customer support at no extra charge. Hours of operation are Monday-Friday 6AM-6PM Pacific Time, via email at [support@vendini.com](mailto:support@vendini.com) or toll-free at 1 (800) 901-7173. After hours support for evening and weekend events is also included.

# Marketing Solutions



## Email Campaigns

- Access fully integrated HTML email marketing system from your account.
- Group your patrons according to their preferences for targeted marketing campaigns.
- Easily print mailing labels from segmented groups for traditional mailing.



## Advertising

- Build your own mobile optimized website and track Google hits.
- Understand conversion rates by easily adding third-party tracking pixels.
- Design your own print at home ticket advertisements and partner with sponsors.



## Social Media and Apps

- Sell tickets directly from your Facebook Page and share through social media.
- Promote through Twitter, Instagram, Google+, Pinterest, and more.
- Use Walletini - the mobile app that makes it easy for friends to share tickets with friends.

# Vendini Website Manager

## Complete Website Management

Vendini includes a website management application that makes it easy for your organization to build and maintain a mobile optimized site focused on promoting your organization and selling tickets.

Vendini hosted sites are built on a robust content management system (CMS) so you can maintain your own design, copy and images. In minutes, you're able to update your website and respond to the needs of your business. Integration with Vendini's ticketing application lets you auto publish events as they're created. Website Manager is designed responsively, so you can sell tickets any time, on any device. [MORE INFO »](#)



If you need additional setup help, Design Services are available.

# Merchant Accounts

## Your Merchant Account

Vendini's solutions seamlessly integrate your merchant account and payment gateway so you can take control of your cash flow and get the best credit card processing rates for your business. Vendini does not resell the gateway or charge for additional merchant services.

Vendini will also provide backup failover service in the event of disrupted payment gateway service to ensure your organization can process transactions at all times.

[MORE INFO »](#)

## Vendini's Merchant Account

We offer members the ability to accept credit card payments using Vendini's merchant account, allowing you to get online to start selling tickets immediately. For the service, we charge members a processing fee of 3.5% of ticket face value, donation or membership amount. Additional fees include 10% of Ticket Delivery charges and 3.5% of Misc Line Item charges. You can switch to your own merchant account at any time.

[MORE INFO »](#)



# Optional Hardware



## Thermal Printers

Vendini is an authorized partner of Boca Systems thermal printers. Boca uses the highest quality materials and ensures compatibility with Vendini Ticket Stock. [MORE INFO »](#)



## Thermal Ticket Stock

Vendini ticket stock is designed specifically for the Vendini system and Boca Systems thermal ticket printers. [MORE INFO »](#)



## Wireless Scanners

Combine laser scanning with your iPhone or iPod Touch and Vendini TicketScan for wireless access control. [MORE INFO »](#)



## Apple iPod Touch

Download Vendini TicketScan from the Apple App Store and log in to start scanning with the device's camera. [MORE INFO »](#)



## Credit Card Swipers

Speed up sales at the door with credit card swiper/reader that works with Vendini mobile apps. [MORE INFO »](#)



## Cash Drawer

Secure cash and checks with a lock box built to last and easy USB connection to Vendini TicketAgent. [MORE INFO »](#)

# Implementation Timeline

## Merchant Account Integration

Integrating your merchant account typically takes three weeks from agreement. The integration process requires you to set up a merchant bank account and an internet gateway between Vendini and your bank.

Info Submitted

Account Activated

## Venue Map Construction

Our venue map team will work with you to create reserved and flexible seating venue maps to your specification, this process can take up to three weeks from the agreement.

Info Submitted

Map Completed

## Vendini Website Manager

Vendini Website Manager can be launched within a few days, and up to a few months for a fully custom website.

Vendini Site Live

## Optional Hardware

Thermal ticket printers, wireless scanners, and other optional hardware are ordered when payment is received and can take up to three weeks to be received.

Hardware Arrives

## Data Import

Vendini Member Services will work with you to import your legacy data into Vendini. This project is typically done a week or two before Live Mode, or your first sales in Vendini.

Data Import

## System Training

A Launch Coordinator from our Member Services team will contact you to initiate your introductory training. This is scheduled around your implementation timeline and is generally done a week or two before Live Mode.

Training

# Pricing

## Vendini TicketLine Website Sales

For each ticket sold through your website, or your Vendini enabled site, a per ticket fee applies. This fee can be paid by the patron, paid by your organization, or shared.

TICKET PRICE	PER TICKET FEE
\$0.00	\$0.35
\$0.01 – UP	\$1 + 2.5%



## Vendini TicketAgent / Box Office Sales

For each ticket sold at your box office, a per ticket fee applies. This fee is paid by your organization.

PAYMENT TYPE	FEE
Credit Card	\$1 + 2.5%
Cash / Check	\$1 + 2.5%
Gift Cards / Voucher	\$1 + 2.5%
Invoices	\$1 + 2.5%
Custom Payments	\$1 + 2.5%
Complimentary Tickets	\$0.15



## Additional Transaction Fees and Optional Services

Transactions such as donations and memberships have a different pricing plan. Applicable fees are paid by your organization. Ticket fulfillment and box office services are also offered by Vendini.

PAYMENT TYPE	FEE
Donations	3.0% of Donation, \$5.00 max
Memberships	\$2.00 per Membership
Gift Cards	3.0% of Gift Card value
Ticket Fulfillment	\$4.00 per order
Box Office Call Center	\$4.00 per order
White Label Box Office Call Center	\$5.00 per order
Box Office Call Center Services with Ticket Fulfillment	\$6 or \$7 per order

## Included Products and Services

ITEM	INCLUDED
24/7 Member Support Customer Service Center	✓
Unlimited User Licenses	✓
Connecting Vendini to your Merchant Account and Payment Gateway	✓
Email Marketing Tools with Ability to Send Unlimited Messages	✓
Social Networking Integration to Promote Events, Sell Tickets and Analyze Metrics	✓
Functionality to Generate, Save and Send Custom Reports	✓
Unlimited Training Sessions, Self Service Videos and Knowledge Base	✓
Ability to Process Your Own Order Changes, Refunds and Exchanges	✓
POS Software and Mobile Apps for Selling and Ticket Scanning	✓
Import Legacy Patron and Sales Data	✓
Build and Maintain Mobile Optimized Website	✓
Mobile, Print at Home and Send to e-mail Ticket Delivery for Patrons and Fans	✓
Patron Manager CRM and Patron Connect Mobile App	✓



Prices valid through Jan 25, 2019

**Contact Information**

Brian Byrd  
 bbyrd@hermosabch.org  
 City Of Hermosa Beach

LINE	DESCRIPTION	QTY	UNIT	PRICE
1	One Time Account Setup	1	each	\$995.00 \$995.00
2	Desktop eDynamo Swiper for Box Office Software (PC or Mac)	1	Each	\$179.00 \$179.00
3	Venue Map Construction: Reserved seating 501 seats	1		\$295.00 \$295.00
				Subtotal \$1,469.00
				California Sales Tax (Los Angeles) 9% \$16.11
				Shipping & Handling (UPS Ground)* \$15.00
				<b>Total: \$1,500.11</b>

\*To change shipping method, contact your account manager.



[Pay with Credit Card](#)



[Pay by Check](#)



[Submit Purchase Order](#)

RETURNS -- All products must 1) be returned in their original packaging, 2) include all manuals, cables, warranty cards, etc., 3) be clean, without scratches and resealed in a factory fresh condition. Freight charges are not refundable. Customer is responsible for shipping costs on returned items. If the returned item meets all the above requirements, it will be accepted and a 50% restocking fee will be applied. Return requests received more than 30 days after receipt of equipment will not be honored. No merchandise may be returned without authorization.

Thank you for choosing Vendini. We appreciate your business.



1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**SECTION 5.** That 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 8th day of January, 2019

\_\_\_\_\_  
**PRESIDENT** of the City Council and **MAYOR** of the City of Hermosa Beach, California

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
City Clerk

\_\_\_\_\_  
City Attorney



# Memorandum

Community Resources Department • 710 Pier Avenue • Hermosa Beach, CA • 90254 • 310.318.0280

To: Hermosa Beach Mayor and City Council  
From: Kelly Orta, Community Resources Manager  
Date: January 8, 2019  
RE: Supplemental Item – January 8, 2019 City Council Meeting  
Item 6(a): Approval to Implement the Vendini Online Ticketing Service for the Community Theater and 2<sup>nd</sup> Story Theater; and Resolution Establishing a Per Ticket Service Fee and a Setup Fee for Its Use By Renters of the Community Theater and 2<sup>nd</sup> Story Theater Facilities

There is a necessary revision in the staff report associated with the Vendini online ticketing service, specifically regarding the term of the recommended agreement. The proposed agreement (Attachment 1 of the Staff Report) is for a three-year term with the inclusion of a 30-day opt-out period following the first year of implementation. There would be no cancellation penalty assessed during this time. Should the City decide not to opt out of the agreement during this 30-day window, the agreement would remain in effect throughout the final two-years. The agreement included as Attachment 1 is accurate and is reflective of this term information.



**Staff Report**

---

**Staff Report**

REPORT 19-0008

---

**Honorable Mayor and Members of the Hermosa Beach City Council  
Regular Meeting of January 8, 2019**

**APPOINTMENT OF CITY REPRESENTATIVE  
TO THE LOS ANGELES COUNTY WEST VECTOR AND  
VECTOR-BORNE CONTROL DISTRICT BOARD**

(City Clerk Elaine Doerfling)

**Recommended Action:**

City Clerk recommends that the City Council appoint a Hermosa Beach representative to the Los Angeles County West Vector and Vector-Borne Control District Board for the January 1, 2019 through December 31, 2020 two-year term.

**Background:**

In June 2018, the Beach Cities Health District asked the Council to consider appointing a City representative to the Los Angeles County West Vector and Vector-Borne Control District Board.

The City Council took the following actions at its September 17, 2018 meeting:

- Appointed Councilmember Duclos to serve as the City's representative to the L.A. County West Vector and Vector-Borne Control District Board for the remainder of the preset two-year term ending December 31, 2018; and
- Authorized the City Clerk to advertise and request applications from Hermosa Beach residents, who are also registered voters, interested in serving on the Board as the City's representative for the next preset two-year term of January 2019 through December 2020.

As the City Clerk reported in the recruitment status report presented at the December 11 Council meeting, no resident applications were received by the December 3 filing deadline. During discussion at the December 11 meeting, it was suggested that Councilmembers actively recruit bona fide residents and registered voters of Hermosa Beach and that the City Clerk's office accept late applications. To date, none have been received.

The Council has the option to re-appoint Councilmember Duclos, if he agrees to another term, or any other Councilmember willing to serve as the City's representative for the 2019-2020 two-year term. The appointment of any Councilmember would not be affected if the appointee opted not to run for another City Council term in next year's municipal election. Members of the City Council qualify for consideration to serve as trustee only because they are both residents and registered voters of Hermosa Beach. As verified by Robert Saviskas, Executive Director, LA County West Vector and

---

## Staff Report

REPORT 19-0008

---

Vector-Borne Control District Board, the change in status from Councilmember to resident would not require Council action, but merely a change to the City's records.

### **General Plan Consistency:**

This report and associated recommendations have been evaluated for their consistency with the City's General Plan. Relative policies re listed below:

#### *Governance Element:*

- *2.6 Responsive to Community Needs. Continue to be responsive to community inquiries, providing public information and recording feedback from community interactions.*
- *4.3 Collaboration with Adjacent Jurisdictions. Maintain strong collaborative relationships with adjacent jurisdictions and work together on projects of mutual interest and concerns.*

### **Fiscal Impact:**

The total cost for the advertisements in the Easy Reader on September 27, 2018 and October 25, 2018 was \$215.25.

### **Attachment:**

1. Trustee Information Sheet

**Respectfully Submitted by:** Linda Abbott, Deputy City Clerk

**Concur:** Elaine Doerfling, City Clerk

**Noted for Fiscal Impact:** Viki Copeland, Finance Director

**Concur:** Suja Lowenthal, City Manager

**Los Angeles County West Vector  
& Vector-Borne Disease Control District  
6750 Centinela Avenue, Culver City, California 90230  
(310) 915-7370 ext. 223  
rsaviskas@lawestvector.org**

**Trustee Information Sheet  
City of Hermosa Beach**

Below is information with respect to the appointment of a Trustee to the Board of the Los Angeles County West Vector & Vector-Borne Disease Control District (District):

1. A trustee must be a resident and an elector (registered to vote) of the city from which the appointment is made.
2. Each term is two (2) years in length.
3. Term periods are permanently preset for each city to provide evenly spaced turnover on the Board of Trustees.
4. **Present Term:** The present term period for the City of Hermosa Beach began on January 1, 2017 and will end on December 31, 2018. If a new trustee is appointed at any time after January 1, 2017 and before December 31, 2018, that new trustee will be finishing out the city's present two-year established term period that will end on December 31, 2018. Following this set term that ends on December 31, 2018, the city council may reappoint the existing trustee for another two (2) year term or appoint a new trustee for the two (2) year term.
5. **Regular Meetings:** The regular meetings of the Board of Trustees are held:  
**When:** Once every two months on the 2<sup>nd</sup> Thursday of the month at 7:30 p.m.  
**Location:** 6750 Centinela Avenue, Culver City (District's Headquarters)  
**Total Number of Meetings/yr. (6):** There are a total of six (6) meetings per year in alternate months (January, March, May, July, Sept., & Nov.)
6. Trustees who attend the regularly scheduled meeting are compensated with a payment of \$100 in lieu of expenses. By law, trustees must attend the meeting to receive this compensation.
7. **Procedure for appointing a Trustee by a city:** Appointments or reappointments need to be put on the agenda of a regularly scheduled city council meeting. After the item is addressed in open session, a vote is taken to confirm the appointment or reappointment. Codes require that the District be notified of the appointment by email or in writing through mail from the City Clerk.

**Statement of Economic Interest, Form 700:** New trustees are required by the Fair Political Practices Commission to fill out a Statement of Economic Interest, Form 700 (assuming office) and return it to our office. It must be a wet-signature copy that is sent in to us for filing and forwarding to the commission. A photocopy is not acceptable.

Please contact me at any of the numbers below if your city council has any additional questions.

Best regards,

Robert Saviskas M.S., R.E.H.S.  
Executive Director  
Los Angeles County West Vector  
& Vector-Borne Disease Control District  
6750 Centinela Avenue Culver City, CA 90230  
Ph.: (310) 915-7370 Ext. 223  
Email: [rsaviskas@lawestvector.org](mailto:rsaviskas@lawestvector.org)





## MEMORANDUM

### Office of the City Clerk

TO: Honorable Mayor and Members of the City Council

FROM: Linda Abbott, Deputy City Clerk

DATE: January 8, 2019

SUBJECT: January 8, 2019 Agenda – Supplemental – Item 7(a)  
Appointment of City Representative to The Los Angeles County  
West Vector and Vector Borne Control District Board

---

Attached, please find an application from Hermosa Beach resident James Fasola, received in the Clerk's Office January 7, 2019. His current voter registration status has been verified with the County.

As the City Clerk reported in the recruitment status report presented at the December 11, 2018 Council meeting, no resident applications were received by the December 3, 2018 filing deadline. During discussion at the December 11, 2018 meeting, it was suggested that Councilmembers actively recruit bona fide residents and registered voters of Hermosa Beach and that the City Clerk's office accept late applications. Mr. Fasola's was the only one received.



CITY OF HERMOSA BEACH  
BOARD/COMMISSION APPLICATION

NAME OF COMMISSION Select One WEST VECTOR & VECTOR-BORNE DISEASE CONTROL DISTRICT

NAME JAMES FASOLA Home Phone None

Address 2024 RHODES ST, HERMOSA 90254 Cell Phone 310-415-2550

Email JIM@FASOLAARCHITECTS.COM Bus. Phone 310-374-7000

Occupation/Profession: ARCHITECT

Employer Name & Address FASOLA ARCHITECTS, 800 MANHATTAN BEACH BL. #110  
MANHATTAN BEACH, CA 90266

REFERENCES:

Local: MIKE DOWNES, 819 6TH ST, HERMOSA BEACH (310) 409-3321

Professional: KEN ROBERTSON, COMMUNITY DEVELOPMENT DIRECTOR 318-0242

Other: Laurie Jester, Planner, Manhattan Beach (310) 802-5510

COMMUNITY PARTICIPATION AND SERVICE (past and present):

HERMOSA BEACH LITTLE LEAGUE - DIRECTOR AND COACH - CURRENT.

MANHATTAN BEACH PLANNING COMMISSION 2007-2011.

MANHATTAN BEACH GPAC - GENERAL PLAN ADVISORY COMMITTEE ~~2005-6~~  
2002-3

Why do you wish to become a Commission member? I HAVE NOTICED AN INCREASE  
IN THE MOSQUITO POPULATION OVER THE PAST 20-30 YEARS.  
I'D LIKE TO HELP CONTROL THIS PROBLEM.

ALSO, THE PROBLEMS WITH OTHER DISEASE-TRANSMITTING  
INSECTS IN OUR OPEN AREAS MUST BE MINIMIZED.

What do you feel are the duties and responsibilities of a Commission member?

TO LOOK AT THE CAUSES AND SOLUTIONS OF DISEASE-  
TRANSMITTING INSECTS.

TO CONTROL THE SPREAD OF NOISANCE AND DISEASE  
BY IMPLEMENTING ERADICATION AND CONTROL MEASURES.

Do you have any current obligations or responsibilities, which could be construed as a conflict of interest with your being a board/commission member?  Yes  No (If yes, please explain)

NONE -

Please provide below and/or attach a resume of your education, employment, memberships, past activities and other experience that you feel would qualify you as a Board/Commission member.

BACHELOR OF ARTS, UCLA 1983

MASTER OF ARCHITECTURE, SCI-ARC 1991

ARCHITECT AT FASOLA ARCHITECTS IN MANHATTAN BEACH, 1998 - PRESENT.

HOMEOWNER, HERMOSA BEACH.

MANHATTAN BEACH GENERAL PLAN ADVISORY COMMITTEE 2002-2003

MANHATTAN BEACH MANSSIONIZATION COMMITTEE 2005-2006

This Board/Commission meets on THURSDAYS at \_\_\_\_\_ p.m. Do you foresee any scheduling problems that might cause you to miss meetings?  Yes  No

How long have you lived in Hermosa Beach? 2011-2019 AND 1985-1986 - 10 YEARS TOTAL

Additional Comments: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Signed: 

Date: 1-7-2019

(07-03-18)



Staff Report

---

Staff Report

REPORT 19-0028

---

Honorable Mayor and Members of the Hermosa Beach City Council  
Regular Meeting of January 8, 2019

**CONSIDERATION OF APPOINTING A  
CITY COUNCIL REPRESENTATIVE TO SERVE ON THE NEW  
KHR COMMUNITIES NETWORK COMMITTEE - A STANDING  
COMMITTEE CREATED BY THE CITY OF HAWTHORNE  
TO ADDRESS AIRPORT NOISE IMPACTS**

(City Manager Suja Lowenthal)

**Recommended Action:**

Staff recommends that the City Council:

1. Appoint a Council representative to serve on the new KHR Communities Network Committee; and
2. Authorize the City Manager to sign an official letter of appointment addressed to City of Hawthorne Interim City Manager, Arnold Shadbehr.

**Background:**

The City of Hawthorne maintains the Hawthorne Municipal Airport (KHR). The Airport's approaching and departing flight paths cross over residential properties to the east, west and southerly directions. On October 9, 2018, the City of Hawthorne adopted Resolution No. 8030 to encourage implementation of the Voluntary Pilot Guide and noise abatement procedures as a follow-up to the Federal Aviation Administration's (FAA) approval of the Hawthorne Airport Noise Compatibility Program. Recently, some residents of Hawthorne, neighboring cities, and communities of Los Angeles County unincorporated areas have contacted the City of Hawthorne with questions, concerns and, in some cases, complaints about noise arising from use of the Airport.

On December 12, 2018, the Hawthorne City Council passed Resolution No. 8038 (**Attachment 1**) forming the KHR Communities Network Committee, a standing committee with the purpose of providing an informational forum, engaging representatives from communities affected by FAA established flight paths, pilots and flight operation managers as well as FAA representatives in conversations aimed at finding ways to reduce and mitigate noise impacts on the surrounding communities to the extent possible by pilots and the FAA laws and regulations and safety standards.

The Committee shall be composed of seventeen (17) members. Members shall serve at the pleasure

---

## Staff Report

REPORT 19-0028

---

of the appointing party. One member shall be appointed from and by each of the following businesses, groups, geographic areas and/or organizations: (1) City Council of the City of Hawthorne (must be an elected member of City Council); (2) FAA's Flight Standards District Office; (3) Hawthorne Hangar Operations; (4) Hawthorne Airport, LLC; (5) Advanced Air LLC dba Jet Center Los Angeles; (6) Star Helicopter; (7) Ramona Homeowner's Association; (8) Holly Glen Homeowner's Association; (9) Unincorporated L.A. County area of West Athens (must be resident); (10) Holly Park Homeowner's Association; (11) North Hawthorne Homeowner's Association; (12) City of Redondo Beach; (13) City of Gardena; **(14) City of Hermosa Beach**; (15) City of Hawthorne Planning and Zoning Commission (must be member); (16) Unincorporated L.A. County area of Wiseburn; and (17) the City of Los Angeles community of Harbor Gateway North (must be resident).

Members from the City Council and the Planning & Zoning Commission must be appointed by the City Council. Geographic areas located within the City or County of Los Angeles that do not have a Homeowner's Association to perform the function of appointment shall have members appointed by the Office of the Supervisor of the Second District, or Office of the Councilmember representing the District in which it is located. A letter of appointment from the appropriate official of the Supervisorial District or Councilmember's Office will be required before an individual may serve.

### **Discussion:**

On December 14, 2018, Hawthorne Municipal Airport Supervisor Guido Fernandez notified City Manager Lowenthal of the newly passed Resolution No. 8038 and provided information on how the City of Hermosa Beach could participate (**Attachment 3**). Mayor Armato and Mayor Pro Tem Campbell currently serve as the City's delegate and alternate respectively, on the LAX Community Noise Roundtable. For efficiency, staff recommends appointing Mayor Armato or Mayor Pro Tem Campbell to also serve on the new KHR Communities Network Committee.

Regular meetings shall take place at 6:00 p.m. at the Hawthorne Memorial Center or at the Hawthorne Municipal Airport on the second Wednesday of the following months: January, April, July, and October. The first meeting is scheduled for Wednesday, January 9, 2019.

### **General Plan Consistency:**

This report and associated recommendations have been evaluated for their consistency with the City's General Plan. Relevant policies are listed below:

#### **Governance Element:**

**1.6 Long-term Considerations.** Prioritize decisions that provide long-term community benefit and discourage decisions that provide short-term community benefit but reduce long-term opportunities.

**2.6 Responsive to Community Needs.** Continue to be responsive to community inquiries, providing public information and recording feedback from community interactions.

**4.1 Regional Governance.** Play an active role in the South Bay Cities Council of Governments, the

---

## Staff Report

REPORT 19-0028

---

Southern California Association of Governments and other regional agencies to protect and promote the interests of the City.

*4.3 Collaboration with Adjacent Jurisdictions.* Maintain strong collaborative relationships with adjacent jurisdictions and work together on projects of mutual interest and concern.

### **Fiscal Impact:**

There is no fiscal impact associated with the recommended action. Committee members are volunteers and shall not be compensated or reimbursed for their services.

### **Attachments:**

1. City of Hawthorne Resolution No. 8038 and Staff Report
2. Link to City of Hawthorne December 11, 2018 meeting video - Agenda Item No. 13 discussion
3. Email from Hawthorne Municipal Airport Supervisor Guido Fernandez
4. Draft City of Hermosa Beach appointment letter

**Respectfully Submitted by:** Ann Yang, Executive Assistant

**Approved:** Suja Lowenthal, City Manager

**RESOLUTION NO. 8038**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HAWTHORNE, CALIFORNIA, CREATING THE KHHR COMMUNITIES NETWORK COMMITTEE**

**WHEREAS**, the City of Hawthorne maintains the Hawthorne Municipal Airport (“Airport”), which is currently the subject of a master lease agreement between the City of Hawthorne and Hawthorne Airport, LLC;

**WHEREAS**, the Airport’s approaching and departing flight paths cross over residential properties to the east, west and southerly directions;

**WHEREAS**, on October 9, 2018, the City of Hawthorne adopted Resolution No. 8030 to encourage implementation of the Voluntary Pilot Guide and noise abatement procedures as a follow-up to the Federal Aviation Administration’s (“FAA”) approval of the Hawthorne Airport Noise Compatibility Program;

**WHEREAS**, recently, some residents of Hawthorne, neighboring cities, and communities of Los Angeles County unincorporated areas have contacted the City with questions, concerns and, in some cases, complaints about noise arising from use of the Airport;

**WHEREAS**, because the City wishes to ensure that the public has an adequate forum in which to voice concerns regarding aircraft noise and flight paths and to otherwise engage with airport users, lessees, sub lessees, and other community representatives;

**WHEREAS**, the City Council of the City of Hawthorne wishes to establish a standing committee to address Airport concerns in an open, transparent and organized manner.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF HAWTHORNE HEREBY RESOLVES AS FOLLOWS:**

**Section 1.** The recitals of facts set forth above are true and correct.

**Section 2.** The City Council of the City of Hawthorne hereby approves creation of the KHHR Communities Networks Committee (“KHHR Committee”).

**Section 3.** The City Council of the City of Hawthorne hereby approves the following bylaws for the KHHR Committee:

**I. Purpose.** The purpose of the KHHR Committee is to provide an informational forum engaging representatives from communities affected by FAA established flight paths, pilots and flight operation managers as well as FAA representatives in conversations aimed at finding ways to reduce and mitigate noise impacts on the surrounding communities to the extent possible by pilots and the FAA laws and regulations and safety standards.

**II. Membership.** The Committee shall be composed of seventeen (17) members. Members shall serve at the pleasure of the appointing party. One member shall be appointed from and by each of the following businesses, groups, geographic areas and/or organizations: (1) City Council of the City of Hawthorne (must be an elected member of City Council); (2) FAA’s Flight Standards District Office; (3) Hawthorne Hangar Operations; (4) Hawthorne Airport, LLC; (5) Advanced Air LLC dba Jet

Center Los Angeles; (6) Star Helicopter; (7) Ramona Homeowner's Association; (8) Holly Glen Homeowner's Association; (9) Unincorporated L.A. County area of West Athens (must be resident); (10) Holly Park Homeowner's Association; (11) North Hawthorne Homeowner's Association; (12) City of Redondo Beach; (13) City of Gardena; (14) City of Hermosa Beach; (15) City of Hawthorne Planning and Zoning Commission (must be member); (16) Unincorporated L.A. County area of Wiseburn; and (17) the City of Los Angeles community of Harbor Gateway North (must be resident). Members from the City Council and the Planning & Zoning Commission must be appointed by the City Council. Geographic areas located within the City or County of Los Angeles that do not have a Homeowner's Association to perform the function of appointment shall have members appointed by the Office of the Supervisor of the Second District, or Office of the Councilmember representing the District in which it is located. A letter of appointment from the appropriate official of the Supervisorial District or Councilmember's Office will be required before an individual may serve.

**III. Chair & Vice-Chair.** Every two years, the Committee shall elect a chair and a vice-chair who shall act as chair only when the chair is absent, and whose duties shall be consistent with Robert's Rules of Order. In the event the chair and vice-chair are absent, the Secretary shall select a representative from the Committee to serve as acting chair. For the first meeting of the Committee, the chair of the Committee shall be the member from Advanced Air LLC dba Jet Center Los Angeles and Vice-Chair shall be the member from Hawthorne Airport, LLC. Elections shall take place in January of each new year.

**IV. Secretary.** The City's Airport Supervisor shall serve as Secretary of the Committee. The Secretary shall be responsible for providing a meeting room and preparing and copying documentary meeting materials, such as agenda reports. The City Clerk's Office shall provide to the Committee necessary technical and administrative assistance as follows: a) Preparation of and posting of public notices as required by the Ralph M. Brown Act, Government Code Section 54950, et seq.; b) Ensuring that all notices to the public are provided in the same manner as notices regarding meetings of the City Council; and (c) Retaining all Committee records, and providing public access to such records on an Internet website maintained by the City.

**V. Meetings.** Regular meetings shall take place at 6:00 p.m. at the Hawthorne Memorial Center or at the Hawthorne Municipal Airport on the second Wednesday of the following months: January, April, July, and October.

**VI. Conduct of Meetings.** All meetings shall be open to the public in accordance with the Ralph M. Brown Act, Government Code Section 54950 et seq. Each member of the Committee will be given a current copy of the Ralph M. Brown Act.

**VII. Quorum** A majority of the Committee members (including vacancies) shall constitute a quorum for purposes of holding a meeting and the transaction of any business. Any nine (9) members shall constitute a quorum.

**VIII. Agendas.** Agendas shall be prepared by the Secretary in accordance with the requirements of the Ralph M. Brown Act. Any item supported by two members is sufficient to ensure it is on the next agenda. All items or reports shall be provided to the Secretary at least seven (7) days in advance of a scheduled regular meeting. Members shall receive agendas within 72 hours of the regular meeting.

**IX. Compensation & Dues.** Committee members are volunteers and shall not be compensated or reimbursed for their services.

**X. Robert's Rules of Order.** All meetings shall be conducted consistent with Robert's Rules of Order, unless a majority deems otherwise. A majority of members may at any time adopt additional rules for a certain meeting or a certain purpose only.



**XI. Oral Communication.** All agendas shall provide an opportunity for members of the public to speak on matters within the subject matter of the Committee, in accordance with the Brown Act. Oral Communication shall be limited to a maximum of one (1) hour and each person shall be permitted to speak for no more than three (3) minutes. The Committee may adopt other rules of decorum consistent with the Brown Act.

**XII. Community Liaison.** The Committee shall have two liaisons. Liaisons shall interact with residents and provide feedback to complaints received in an effective and customer friendly manner after reviewing webtrack or other similar websites, create and maintain a logging system documenting all complaints received, provide documentation by taking minutes of each meeting, provide sign-in sheets and provide agenda items for the next meeting to the Secretary, including, but not limited to, reports regarding current events or news articles related to the Airport and aviation in general as well as newly adopted FAA regulations. Liaisons shall be representatives of Hawthorne Airport LLC and Advanced Air LLC dba Jet Center Los Angeles. Community liaisons shall make publicly available their contact information, including email addresses, to all interested residents. Sign-in sheets must be prepared by liaisons and utilized at meeting. Sign-in sheets must be provided to the City Clerk and will become a public record.


**XIII. Minutes.** The Community Liaison(s) shall prepare minutes in a time manner (within 30 days after each meeting) that will be reviewed and finalized by the Secretary. Minutes shall include: (1) The time and place of each meeting of the Committee; (2) The names of the Committee members present; (3) Actions taken by the Committee, if any; and (4) A summary of all reports made to the Committee. All minutes shall be reduced to writing and presented to the Committee at its next regular meeting for approval, amendment or correction. The minutes or true copies thereof shall be open to public inspection. Copies of said minutes shall be filed with the City Clerk. Sign-in sheets shall be included with all official minutes.

**XIV. Duties.** It shall be the duty of the Committee to discuss, analyze and respond to concerns raised by residents in surrounding communities and, in particular, to monitor pilot responsiveness to residents' noise complaints and discuss ways to mitigate noise impact within the established Federal rules and safety parameters. The Committee shall have no oversight authority over any City Department, personnel, consultant, or budget. The Committee has no authority to bind the City to any contractual agreements. The Committee has no decision-making authority and may not compel or prevent a governmental decision either by reason of an exclusive power to initiate the decision or by reason of a veto that may not be overridden nor can it make any recommendations or presentations to the City Council. Individual members shall be required to prepare themselves for each meeting by reading agenda, reports, and other materials and communicating any questions to the Secretary, Chair or Vice-Chair in advance of the meeting. Individual members must inform the Secretary of any absence at least 24 hours in advance of the meeting.


**XV. Bylaws.** This Resolution, as adopted and amended, shall constitute bylaws of the Committee. The Committee may adopt additional rules and regulations not in conflict with the bylaws contained herein.

**Section 4.** This Resolution shall take effect immediately upon its adoption.

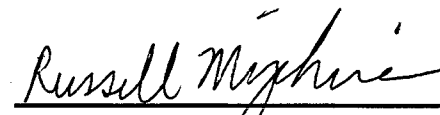
PASSED, APPROVED and ADOPTED this 11<sup>th</sup> day of December, 2018

  
\_\_\_\_\_  
ALEX VARGAS, Mayor  
City of Hawthorne, California

**ATTEST:**

  
\_\_\_\_\_  
PAUL JIMENEZ,  
City Clerk  
City of Hawthorne,  
California

**APPROVED AS TO FORM:**

  
\_\_\_\_\_  
RUSSELL MIYAHARA, City  
Attorney City of Hawthorne, California

STATE OF CALIFORNIA    )  
COUNTY OF LOS ANGELES) §  
CITY OF HAWTHORNE    )


I, **Monica Dicrisci**, the duly appointed Acting City Clerk of the City of Hawthorne, California, **DO HEREBY CERTIFY** that the foregoing Resolution, being Resolution No. 8038 was duly adopted by the City Council of the City of Hawthorne, at the regular meeting of the City Council held **December 11, 2018** and that it was adopted by the following vote, to wit:

AYES: Councilmembers Awad, Michelin, Monteiro, Valentine, Mayor Vargas.

NOES: None.

ABSTAIN: None.

ABSENT: None.

  
\_\_\_\_\_  
Monica Dicrisci  
Acting City Clerk  
City of Hawthorne, California



## AGENDA ITEM NO. 13

### CITY OF HAWTHORNE CITY COUNCIL AGENDA BILL

*For the meeting of December 11, 2018*  
Originating Department: City Manager's Office

Interim City Manager: Arnold Shadbehrr    City Attorney: Russell Miyahira

---

---

**SUBJECT:**

Resolution No. 8038, A Resolution of the City Council of the City of Hawthorne, California, creating the KHHR Communities Network Committee

**RECOMMENDED MOTION:**

Adopt Resolution No. 8038

**NOTICING PROCEDURES:** 72 hours posted notice pursuant to the Ralph M. Brown Act.

**FISCAL IMPACT:** Minimal impact only related to staff time and resources.

**EXECUTIVE SUMMARY:**

Recently, the City has been receiving questions, concerns and, in some cases, complaints about noise arising from use of the Airport. Staff has been considering ways in which the City and stakeholders can be more responsive to residents and neighbors who have concerns about airport noise and flight paths. Staff believes that the creation of a new standing committee (the KHHR Committee) can provide an open, transparent and organized forum in which the public can address their concerns. Adoption of Resolution No. 8038 would create the KHHR Committee.

As outlined in the Resolution, the purpose of the KHHR Committee is to "provide an educational forum engaging representatives from communities affected by FAA established flight paths, pilots and flight operation managers as well as FAA representatives in conversations aimed at finding ways to reduce and mitigate

noise impacts on the surrounding communities to the extent possible by pilots and the FAA laws and regulations.

The KHHR Committee would consist of seventeen (17) members. One member would be appointed from and by each of the following businesses, groups, geographic areas and/or organizations:

- (1) City Council of the City of Hawthorne (must be an elected member of City Council);
- (2) FAA's Flight Standards District Office;
- (3) Hawthorne Hangar Operations;
- (4) Hawthorne Airport, LLC;
- (5) Advanced Air LLC dba Jet Center Los Angeles;
- (6) Star Helicopter;
- (7) Ramona Homeowner's Association;
- (8) Holly Glen Homeowner's Association;
- (9) Unincorporated L.A. County area of West Athens (must be resident);
- (10) Holly Park Homeowner's Association;
- (11) North Hawthorne Homeowner's Association;
- (12) City of Redondo Beach;
- (13) City of Gardena;
- (14) City of Hermosa Beach;
- (15) City of Hawthorne Planning and Zoning Commission (must be member);
- (16) Unincorporated L.A. County area of Wiseburn; and
- (17) the City of Los Angeles community of Harbor Gateway North (must be resident).

Members from the City Council and the Planning & Zoning Commission would be appointed by the City Council. Members from Homeowner's Associations would be appointed by their respective boards. Geographic areas located within the City or County of Los Angeles that do not have a Homeowner's Association to perform the function of appointment shall have members appointed by the Office of the Supervisor of the Second District, or Office of the Councilmember representing the District in which it is located. A letter of appointment from the appropriate official of the Supervisorial District or Councilmember's Office will be required before an individual may serve.

The duty of the Committee would be to discuss, analyze and respond to concerns raised by residents in surrounding communities and, in particular, to monitor pilot responsiveness to residents' noise complaints and discuss ways to mitigate noise impact within the established Federal rules and parameters. However, the Committee would have no oversight authority over any City Department,

personnel, consultant, or budget, nor have any authority to bind the City to any contractual agreements. In sum, the Committee would have no decision-making authority.

The Resolution would also provide that the Committee would need to elect a chair and vice-chair, with each serving 2 year terms, and with the first chair to be the member from Advanced Air LLC dba Jet Center Los Angeles and Vice-Chair to be the member from Hawthorne Airport, LLC. Elections would take place in January. The Committee would also have two liaisons that would interact with residents and provide feedback to complaints received in an effective and customer friendly manner after reviewing webtrack or other similar websites, create and maintain a logging system documenting all complaints received, provide documentation by taking minutes of each meeting, provide sign-in sheets and provide agenda items for the next meeting to the Secretary, including, but not limited to, reports regarding current events or news articles related to the Airport and aviation in general as well as newly adopted FAA regulations. Liaisons would be representatives of Hawthorne Airport LLC and Advanced Air LLC dba Jet Center Los Angeles.

In addition, the Resolution would provide that:

- Meetings would take place at 6:00 p.m. at the Hawthorne Memorial Center on the second Wednesday of the following months: January, April, July and October.
- The City's Airport Supervisor would serve as Secretary of the Committee.
- All meetings would be conducted in accordance with the Brown Act.
- Meetings would be conducted consistent with the Robert's Rules of Order.
- All agendas would be prepared in accordance with the Brown Act and will provide an opportunity for members of the public to speak (oral communications)
- Oral communication would be limited to a maximum of one hour, with each person limited to three (3) minutes each.
- A majority of the Committee, including vacancies, would constitute a quorum (9 members).
- Members would not be compensated or reimbursed for their services.
- Minutes will be prepared the Community Liaisons, and be reviewed and finalized by the Secretary.

**ATTACHMENT(S):**

Resolution No. 8038

**From:** "Fernandez, Guido" <[GFernandez@cityofhawthorne.org](mailto:GFernandez@cityofhawthorne.org)>  
**Date:** December 14, 2018 at 4:34:46 PM MST  
**To:** Suja Lowenthal <[suja@hermosabch.org](mailto:suja@hermosabch.org)>  
**Cc:** "Shadbehr, Arnie" <[AShadbehr@cityofhawthorne.org](mailto:AShadbehr@cityofhawthorne.org)>  
**Subject:** Appointment letter for new members of KHHR Communities Network Committee

Hi Suja,

Arnie wanted me to contact you regarding our newly passed Resolution No. 8038 creating the KHHR Communities Network Committee. I attached a copy of the resolution.

We are reaching out to individuals who might be interested in participating in the new Communities Network Committee (CNC).

For each geographic neighborhood listed on the attached Resolution one person representative assigned to be serving in the committee will need to submit an appointment letter from their Homeowner's Association (HOA), or district Supervisor or council member, in case there is no HOA serving that neighborhood (Section 3.II.Membership).

The letter must state that the appointed individual is representing their geographic area in the soon to be established Communities Network Committee (CNC).

Hope to hear from you soon. Thanks.

Guido Fernandez  
Airport Supervisor  
Hawthorne Municipal Airport  
(310) 349-1636



# City of Hermosa Beach

Civic Center, 1315 Valley Drive, Hermosa Beach, CA 90254-3885

January 8, 2019

Mr. Arnold Shadbehr, Interim City Manager  
City of Hawthorne  
4455 W. 126<sup>th</sup> Street  
Hawthorne, CA 90250  
Via Email: [AShadbehr@cityofhawthorne.org](mailto:AShadbehr@cityofhawthorne.org)

**Re: City of Hermosa Beach Appointment of Representative to the KHHR Communities Network Committee**

Dear Mr. Shadbehr,

On behalf of the City Council of the City of Hermosa Beach, I would like to thank the City of Hawthorne for creating a standing committee and providing an informational forum where representatives from communities affected by aircraft noise coming from the Hawthorne Municipal Airport can come together to work on solutions to reduce and mitigate noise impacts on the surrounding communities.

As one of several communities that are impacted by Hawthorne Municipal Airport operations, our City Council believes there is value in having a seat at the table and has therefore determined a need for an elected official to be part of the KHHR Communities Network Committee. I am pleased to inform you that on January 8, 2019, the Hermosa Beach City Council appointed \_\_\_\_\_ as the City's representative to serve on the KHHR Communities Network Committee.

We ask that you please add \_\_\_\_\_ to your committee roster and include them in any future notifications as appropriate. Should you have any follow-up questions, please contact Ann Yang from my office at [anny@hermosabch.org](mailto:anny@hermosabch.org) or 310-750-3605.

Sincerely,

Suja Lowenthal  
City Manager

Copy: Guido Fernandez, Hawthorne Municipal Airport Supervisor,  
[GFernandez@cityofhawthorne.org](mailto:GFernandez@cityofhawthorne.org)





# City of Hermosa Beach

City Hall  
1315 Valley Drive  
Hermosa Beach, CA 90254

## Staff Report

---

### Staff Report

REPORT 19-0007

---

**Honorable Mayor and Members of the Hermosa Beach City Council  
Regular Meeting of January 8, 2019**

### TENTATIVE FUTURE AGENDA ITEMS

**Recommended Action:**

Staff recommends that the City Council receive and file the tentative future agenda items.

**Attachments:**

Tentative Future Agenda

**TENTATIVE FUTURE AGENDA ITEMS**

**MONDAY, JANUARY 14, 2019 @ 6:00 PM  
JOINT STUDY SESSION WITH EPAC**

<b>JANUARY 22, 2019 @ 6:00 PM</b>		<b>INITIAL DATE</b>
<b>CLOSED SESSION</b>		
<b>JANUARY 22, 2019 @ 7:00 PM</b>		
<b>PRESENTATIONS</b>		
LOS ANGELES COUNTY FIRE SERVICES AND MCCORMICK AMBULANCE QUARTERLY UPDATE		
<b>CONSENT CALENDAR</b>		
City Council Minutes	City Clerk	Ongoing
Check Registers	Finance Director	Ongoing
Revenue and Expenditure Reports	Finance Director	Ongoing
City Treasurer's and Cash Balance Report	City Treasurer	Ongoing
Public Works Project Status Report	Public Works Director	Ongoing
Planning Commission Tentative Future Agenda	Community Development Director	Ongoing
Recommendation to receive and file the action minutes of the Planning Commission meeting of January 15, 2019	Community Development Director	Ongoing
Recommendation to receive and file the action minutes of the Parks, Recreation and Community Resources Advisory Commission meeting of December 4, 2018	Community Resources Manager	Ongoing
Recommendation to receive and file the action minutes of the Emergency Preparedness Advisory Commission meeting of November 5, 2018	Emergency Management Coordinator	Ongoing
Request for Approval of Sponsorship Donation to Mira Costa High School Grad Nite 2019	City Manager	Annual
2017-18 Comprehensive Annual Financial Report (CAFR)	Finance Director	Annual
Purchase of Police Department vehicles	Police Chief	Staff Request Nov 28, 2018
<b>CONSENT ORDINANCES</b>		
Second Reading of Ordinance to allow and regulate wireless communication facilities in the public right-of-way, and update on AT&T's proposal for multiple installation of smaller wireless communication facilities to provide replacement coverage to existing sites located at 20 <sup>th</sup> and 29 <sup>th</sup> Court	City Clerk	Council Direction Dec 11, 2018
<b>PUBLIC HEARINGS – 7:30 PM</b>		
Consideration of an Ordinance regulating Sidewalk Vending in compliance with Senate Bill 946	Community Development Director	Staff Request Nov. 2018
<b>MUNICIPAL MATTERS</b>		
Adoption of Resolution Authorizing City Clerk Salary Adjustment and Direct Staff to Draft a Ballot Measure for the November 2019 Election	City Clerk / City Manager's Office	Staff Request Nov 5, 2018
Update on Visual Identity and Brand for the City of Hermosa Beach	Environmental Analyst / Assistant to the City Manager	Council Direction Feb 7, 2018
Approval to Implement an Annual Skate Park Membership Program and Resolution Establishing an Annual Skate Park Membership Fee	Community Resources Manager	Staff Request Nov 27, 2018
Approval of Fourth Amendment to the Chamber of Commerce Wednesday Farmers' Market Agreement including term extension and language updates regarding market vendors <i>(Continued from meeting of December 11, 2018)</i>	Community Resources Manager	Council Direction Dec 11, 2018
Parking Lot D (Manhattan Ave and 14 <sup>th</sup> Street) Final Designs	Environmental Analyst	Staff Request Aug. 2018
<b>MISCELLANEOUS ITEMS AND MEETING ATTENDANCE REPORTS – CITY COUNCIL</b>		
Updates from City Council Subcommittees		
<b>OTHER MATTERS – CITY COUNCIL</b>		
Tentative Future Agenda	City Manager	Ongoing

**WEDNESDAY, FEBRUARY 6, 2019 @ 6:00 PM**

**STUDY SESSION**

<b>FEBRUARY 12, 2019 @ 6:00 PM</b>		<b>INITIAL DATE</b>
<b>CLOSED SESSION</b>		
<b>FEBRUARY 12, 2019 @ 7:00 PM</b>		
<b>PRESENTATIONS</b>		
RECOGNIZING HERMOSA BEACH GREEN BUSINESSES		
UPDATE ON BEACH CITIES HEALTH DISTRICT AND REDEVELOPMENT OF THE HEALTHY LIVING CAMPUS		
<b>CONSENT CALENDAR</b>		
City Council Minutes	City Clerk	Ongoing
Check Registers	Finance Director	Ongoing
Recommendation to receive and file the action minutes of the Parks, Recreation and Community Resources Advisory Commission meeting of January 2, 2019	Community Resources Manager	Ongoing
Recommendation to receive and file the action minutes of the Public Works Commission meetings of May 16, 2018, July 18, 2018, September 19, 2018 and November 28, 2018.	Public Works Director	Ongoing
<b>CONSENT ORDINANCES</b>		
Second Reading of Ordinance regulating Sidewalk Vending in compliance with Senate Bill 946	City Clerk	Council Direction Dec 11, 2018
<b>MUNICIPAL MATTERS</b>		
Update on South Bay Guidelines for a Shared Mobility (bikeshare and e-scooters) Pilot Program	Environmental Analyst	Council Direction Aug 28, 2018
Document Retention Policy	City Clerk	Staff Request Nov 28, 2018
Review of Municipal Lease Policy Subcommittee's Recommended Policy Guidelines	Community Resources Manager	Staff Request Dec 3, 2018
Consideration of a One-Year Extension to the Rotary Club Lease Agreement for Use of the Rotary Club Facility	Community Resources Manager	Staff Request Dec 3, 2018
<b>MISCELLANEOUS ITEMS AND MEETING ATTENDANCE REPORTS – CITY COUNCIL</b>		
Updates from City Council Subcommittees		
<b>OTHER MATTERS – CITY COUNCIL</b>		
Tentative Future Agenda	City Manager	Ongoing

<b>FEBRUARY 26, 2019 @ 6:00 PM</b>		<b>INITIAL DATE</b>
<b>CLOSED SESSION</b>		
<b>FEBRUARY 26, 2019 @ 7:00 PM</b>		
<b>CONSENT CALENDAR</b>		
City Council Minutes	City Clerk	Ongoing
Check Registers	Finance Director	Ongoing
Recommendation to receive and file the action minutes of the Planning Commission meeting of February 19, 2019	Community Development Director	Ongoing
<b>MUNICIPAL MATTERS</b>		
EV Charging Policy Recommendations	Environmental Analyst	Staff Request Nov 27, 2018
Purchase and installation of Pier Avenue Bus Stop Shelters & Furniture	Environmental Analyst	New Item
<b>MISCELLANEOUS ITEMS AND MEETING ATTENDANCE REPORTS – CITY COUNCIL</b>		
Updates from City Council Subcommittees		
<b>OTHER MATTERS – CITY COUNCIL</b>		
Tentative Future Agenda	City Manager	Ongoing

**WEDNESDAY, MARCH 6, 2019 @ 6:00 PM**  
**STUDY SESSION**

**SATURDAY, MARCH 9, 2019 @ 9:00 AM**  
**CITY COUNCIL RETREAT**

<b>MARCH 12, 2019 @ 6:00 PM</b>		<b>INITIAL DATE</b>
<b>CLOSED SESSION</b>		
<b>MARCH 12, 2019 @ 7:00 PM</b>		
<b>CONSENT CALENDAR</b>		
City Council Minutes	City Clerk	Ongoing
Check Registers	Finance Director	Ongoing
Recommendation to receive and file the action minutes of the Parks, Recreation and Community Resources Advisory Commission meeting of February 5, 2019	Community Resources Manager	Ongoing
Recommendation to receive and file the action minutes of the Emergency Preparedness Advisory Commission meeting of January 7, 2019	Emergency Management Coordinator	Ongoing
<b>MISCELLANEOUS ITEMS AND MEETING ATTENDANCE REPORTS – CITY COUNCIL</b>		
Updates from City Council Subcommittees		
<b>OTHER MATTERS – CITY COUNCIL</b>		
Tentative Future Agenda	City Manager	Ongoing

**MONDAY, MARCH 18, 2019 @ 7:00 PM**  
**JOINT MEETING WITH SCHOOL BOARD**

<b>MARCH 26, 2019 @ 6:00 PM</b>		<b>INITIAL DATE</b>
<b>CLOSED SESSION</b>		
<b>MARCH 26, 2019 @ 7:00 PM</b>		
<b>CONSENT CALENDAR</b>		
City Council Minutes	City Clerk	Ongoing
Check Registers	Finance Director	Ongoing
Recommendation to receive and file the action minutes of the Planning Commission meeting of March 19, 2019	Community Development Director	Ongoing
Recommendation to receive and file the action minutes of the Public Works Commission meeting of January 16, 2019.	Public Works Director	Ongoing
<b>MISCELLANEOUS ITEMS AND MEETING ATTENDANCE REPORTS – CITY COUNCIL</b>		
Updates from City Council Subcommittees		
<b>OTHER MATTERS – CITY COUNCIL</b>		
Tentative Future Agenda	City Manager	Ongoing

<b>PENDING STRATEGIC PLAN ITEMS</b>		<b>INITIAL COMPLETION DATE</b>
Update Personnel Policies	Human Resources Manager	
Beach Policy/Regulations ( <i>Continued from meeting of October 27, 2016</i> )	Community Resources Manager	Sept-2016
Alternative Fuel Transportation Report	Environmental Analyst	Nov-2016
Encroachment Direction	City Attorney	Nov-2016
CCA Direction	Environmental Analyst	Dec-2016
Information Item – Phase 3 Parking Meter Purchase	Police Chief / Assistant to the City Manager	Jul-2017
<b>PENDING NEW ITEMS</b>		<b>INITIAL REQUEST</b>
Initial Report on Options and Strategies for Installing a Permanent Carousel or other Family Friendly Features at the Entry Point to Pier Plaza. In Cooperation with the Chamber of Commerce, this would include a Preliminary Cost Benefit Analysis and Implementation of the City Decision Making Tool (supported by Duclos and Fangary)	Public Works Director	Other Matters
Tree ordinance with respect to tree removal	Public Works Director	Staff Request
Consideration of re-establishing, on an as needed basis, both funding and discretion for the director of Public Works to contract services to pump major beach storm outfalls drains prior to anticipated major storm events (supported by Duclos, Armato and Petty)	Public Works Director	Other Matters
Policy discussion regarding city responsibilities and expectations when donations are made to city	Finance Director	Council Direction
Consideration of a position letter on federal gun control legislation (supported by Fangary, Armato and Massey)	Assistant to the City Manager	Other Matters
Report on Phase II of Library Assessment including Location Alternatives	Community Resources Manager	Staff Request
Strand Bikeway and Walkway Improvements at 35 <sup>th</sup> Street	Public Works Director	Staff Request
Award of Contract for On-Call Traffic Engineering Services	Public Works Director	Staff Request
Special Event Policy Update and Subcommittee Direction	Community Resources Manager	
Update on bicycle infrastructure implementation & consideration of designating a route in honor of Julian Katz	Environmental Analyst	Council Direction
Consideration of proposed changes to the city right of way and public facilities in the area of the proposed North School Project	Environmental Analyst	Staff Request
Farmers Market Contract Renewal	Community Resources Manager	Staff Request
Approval of a One-Year Extension to the Rotary Club Lease Agreement	Community Resources Manager	Staff Request
Review of the Parks, Recreation and Community Resources Advisory Commission's Municipal Lease Policy Subcommittee Drafted Policy Guidelines	Community Resources Manager	Staff Request
Ordinance on plastic service ware (supported by Duclos, Campbell and Armato)	Environmental Analyst	Other Matters
Adoption of Athens Organic Rates	Environmental Analyst	Staff Request
Fiesta Hermosa Contract	Community Resources Manager	Staff Request
Update to Document Retention Policy	City Clerk	Staff Request
Fiesta Contract	Assistant to the City Manager	Staff Request
Measure H Grant Acceptance	Assistant to the City Manager	Staff Request
Consent for use of "Lot B" for construction staging area for Pier/Strand project	Community Development Director	Staff Request