

**NOTICE BY THE ARVIN CITY COUNCIL  
OF ITS INTENT TO ADOPT AN URGENCY ORDINANCE**

**NOTICE IS HEREBY GIVEN** that on March 26, 2019 at 6:00 pm, or as soon thereafter as the matter may be heard, the City Council of the City of Arvin intends to adopt an Urgency Ordinance, entitled:

**AN URGENCY ORDINANCE OF THE CITY COUNCIL OF THE  
CITY OF ARVIN, CALIFORNIA, ADDING CHAPTER 13.16 OF  
TITLE 13 OF THE ARVIN MUNICIPAL CODE**

**SUMMARY**

The proposed ordinance will allow and regulate wireless telecommunications facilities in the public right-of-way (PROW) and corresponding design standards and special procedures for small wireless facilities (SWF). The proposed ordinance and corresponding design standards and special procedures for SWFs are in response to recent legal standards imposed by the FCC (the “FCC Order”). The FCC Order was issued on September 27, 2018. In summary:

- For all wireless facility installations in the PROW, the ordinance establishes new permit and review procedures as well as the operation and maintenance standards. The ordinance treats wireless installations in the PROW similar to other installations in the PROW by requiring an encroachment permit. 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 PROW infrastructure.
- The proposed ordinance presents a new administrative review process for SWF applications, with the Director of Planning taking the lead of administratively reviewing SWF applications.
- Major wireless structures in the PROW shall continue to be subject to hearing and discretionary review.
- The new ordinance recognizes, and establishes procedures and standards for, “eligible facility requests” pursuant to Federal law. These are ministerial modifications and collocations that must be approved by-right pursuant to Section 6409 of the Federal Spectrum Act (47 CFR § 1.40001 - Wireless Facility Modifications).
- 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.
- The ordinance allows the flexibility and allows for SWF design standards to be adopted as administrative regulations that may be readily and quickly adapted given the frequency and magnitude of changes in law and technology surrounding wireless installations.

The City Council will also consider a separate City Council Policy that will provide the industry direction on the City's aesthetic, location and design requirements. Additional information regarding the proposed ordinance, including the grounds for its urgency, will be available for review as part of the agenda packet and presentation for this item to be considered by the City Council on March 26, 2019.

Staff has determined that 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 PROW 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. Alternatively, 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)). Installations, if any, would further 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 PROW and subject to various siting and design preferences to prevent aesthetic impact to the extent feasible.

A copy of the full text of the Ordinance is available for review in the Office of the City Clerk, City of Arvin, 200 Campus Drive, Arvin, CA 93203. A copy is also available on the City's website at Arvin.org. Anyone having questions may contact the City Clerk at (661) 854-3134.

/s/ \_\_\_\_\_  
Cecilia Vela, City Clerk  
City of Arvin

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