



City of Culver City

Mike Balkman
Council Chambers
9770 Culver Blvd.
Culver City, CA 90232
(310) 253-5851

Staff Report

File #: 24-732, Version: 1

Item #: PH-2.

CC - PUBLIC HEARING ITEM: Appeal of the Administrative Approval of Wireless Telecommunications Facilities Encroachment Permit to Crown Castle for 6292 Buckingham Parkway, Culver City Permit Number U23-0278.

Meeting Date: February 26, 2024

Contact/Dept: Sammy Romo/Public Works-Engineering

Phone Number: (310) 253-5619

Fiscal Impact: Yes [] No [X]

General Fund: Yes [] No [X]

Public Hearing: Yes [X] No []

Attachments: Yes [X] No []

Public Notification: E-Mail: Meetings and Agendas - City Council (02/20/2024); E-mail: E. Scott, Appellant (02/02/2024); Brad Ladua, Crown Castle, Applicant (02/02/2024); Mail: All residents within 500 feet of the subject Wireless Telecommunications Facility (02/15/2024)

Department Approval: Yanni Demitri, Public Works Director/City Engineer (02/08/2024)

RECOMMENDATION

Staff recommends the City Council consider the appeal by E. Scott (the "Appellant") of staff's approval of Crown Castle's wireless encroachment permit application for a small wireless facility to be located within the public right-of-way in proximity to 6292 Buckingham Parkway, permit number U23-0278, and render a decision by either:

1. (**Staff Recommendation**) Denying the appeal and approving the wireless encroachment permit application with the same conditions and/or findings as the staff approval or with modified conditions and/or findings, and adopting a finding that the approval is categorically exempt from CEQA pursuant to CEQA Guidelines §15303(e); **OR**
2. Granting the appeal and denying the wireless encroachment permit application based on the findings specified by the City Council.

PROCEDURES

1. Mayor calls on staff for staff report and City Council Members pose questions to staff as desired.
2. Mayor opens the Public Hearing, providing the Appellant the first opportunity to speak, followed by the Applicant and then the general public.
3. Applicant and Appellant are given one final opportunity to provide rebuttal comments.
4. Mayor seeks a motion to close the Public Hearing after all testimony has been presented.
5. City Council discusses the matter and arrives at its decision.

BACKGROUND

The City regulates the placement of small cell wireless facilities in public rights-of-way pursuant to Culver City Municipal Code Section 11.20.065 and the “Design and Development Standards for Wireless Facilities in the Public Rights-of-Way,” adopted by the City Council on February 28, 2022, by Resolution 2022-R019.

On August 29, 2023, Crown Castle submitted an application to obtain a wireless encroachment permit for the installation of small cell equipment on a city-owned streetlight in the public right-of-way fronting 6292 Buckingham Parkway. Crown Castle proposes to replace the existing streetlight with a stealth-integrated pole design. Per the City’s requirements, Crown Castle submitted site plans, equipment diagrams, integrated street light replacement specifications, and analyses related to visual impact, noise impact, and structural calculations. Crown Castle also submitted Radio Frequency (RF) emission reports prepared and signed by an independent California-registered electrical engineer demonstrating that the RF emissions from the wireless facility comply with the FCC guidelines that limit exposure to RF emissions.

Initially, staff determined the application was incomplete. However, through the submittal and resubmittal-with-changes process, Crown Castle eventually responded with a submittal that was deemed complete. Per the City’s requirements, Crown Castle mailed notification letters via U.S. Post to all property persons within 500 feet of the proposed locations and affixed posters upon the existing streetlight poles of the proposed small cell sites announcing their proposal to install a wireless facility. In response to the public notifications, one property owner near the subject location voiced concern about the proposed wireless facility.

Staff’s evaluation of the subject applications now under appeal concluded that Crown Castle complied with all the City’s requirements contained in Culver City Municipal Code (“CCMC”) Section 11.20.065 to obtain a wireless encroachment permit, and without exception, adhered to all of the City’s applicable design and development standards. On September 28, 2023, staff approved the application and notified the applicant and all persons who submitted written comments on the application, which included the Appellant (Attachment 1). The Appellant submitted, in writing, a timely appeal of the approval pursuant to CCMC Section 11.20.065.D.3 (Attachments 2) (the “Appeal”).

DISCUSSION

Section 11.20.065.D.3(a) of the CCMC states:

Any person adversely affected by the decision of the Public Works Director/City Engineer pursuant to this Section may appeal the decision to the City Council, which may decide the issues de novo, and whose written decision will be the final decision of the City. Any appeal shall be conducted so that a timely written decision may be issued in compliance with any legally-required deadline.

THE APPEAL:

Claim:

The Appellant filed a timely request appealing the granting of this wireless permit. While Appellant's request for appeal of the granting of this wireless permit did not articulate a basis for this appeal, Appellant's prior contacts with city staff have articulated concerns that the permitted small cell facility will have negative health effects, due to RF emissions, and reduce property values.

Response:

RF Emissions: The FCC is the sole regulatory agency that establishes RF guidelines nationwide to limit public exposure to emissions, and the City refers to those guidelines when evaluating RF emission reports submitted by applicants. As mentioned above, Crown Castle submitted a report for the proposed facility that was evaluated by staff and determined to show compliance with FCC guidelines (Attachment 3).

In addition, this application proposes a facility that is similar to other facilities Crown Castle has installed elsewhere in the City. Staff recently performed a "post-construction" analysis of a random small cell wireless site placed by Crown Castle a few years ago to evaluate RF emissions. Crown Castle was not made aware of this testing beforehand. The analysis showed the greatest amount of RF emissions was 0.7% of the maximum permissible exposure allowed by the FCC.

Reduced Property Values: The Appellant provided no support for the claim about property value reduction. Moreover, whether or not the facility will reduce property values is not a required finding under the CCMC.

To the extent the Appellant's concerns about property value relate to RF emissions, the City may not deny a wireless facility application based on concern about RF emissions exposure if the facility complies with FCC guidelines.¹ As discussed, the evidence in the record is that the proposed facility will comply with the FCC guidelines.

To the extent the Appellant's concern about property values relates to aesthetics, the City's adopted Design and Development Standards ("Standards") require certain aesthetic requirements be observed that mitigate the visual impact small cell equipment may create. The streetlight and matching shroud which Crown Castle is proposing via this wireless application adheres to those Standards. The integrated streetlights will house all the small cell equipment within them and complement the surrounding streetlights by matching their color, material, and finishes.

FINDINGS REQUIRED FOR APPROVAL

CCMC Section 11.20.065(G)(1) provides the following findings are required for approval of a wireless encroachment permit application for a small cell wireless facility:

1. Findings required for approval

- a. ... the Public Works Director/City Engineer or City Council, 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. The facility is not detrimental to the public health, safety, and welfare;
 - ii. The facility complies with this Section and all applicable design and development standards; and
 - iii. The facility meets applicable requirement and standards of State and Federal law.

All of the above required findings are supported by the administrative record and, therefore, justified. The Appellant has not, to-date, submitted any evidence to contradict these findings; therefore, staff recommends the City Council deny the appeal and approve the wireless encroachment permit with the same conditions and/or findings as the staff approval.

FEDERAL REQUIREMENTS RELATED TO DENIAL OF WIRELESS PERMIT APPLICATIONS

Federal law requires that if a wireless facility application is denied, the denial decision must be “in writing and supported by substantial evidence contained in a written record.” 47 U.S.C. Section 332 (c)(7)(B)(iii). The law also requires that the denial and the reasons for denial be issued essentially contemporaneously. *T-Mobile South, LLC v. City of Roswell, Ga.*, 574 U.S. 293 (2015). Thus, if the City Council determines that the appeal should be granted, thereby denying Crown Castle’s permit application, the City Council should explain its denial of such permit application by specifically indicating which finding(s) for approval cannot be made and the reasons such finding(s) cannot be made.

FISCAL ANALYSIS

There is no fiscal impact associated with denying or granting the Appeal.

ATTACHMENTS

- 2024-02-26_ATT1 Notice of Application Approval 6292 Buckingham Parkway
- 2024-02-26_ATT2 Appeal 6292 Buckingham Parkway
- 2024-02-26_ATT3 RF Emissions Compliance Report 6292 Buckingham Parkway
- 2024-02-26_ATT4 Photo Sims 6292 Buckingham Parkway
- 2024-02-26_ATT5 Standard Conditions of Approval
- 2024-02-26_ATT6 Supplemental Conditions of Approval

MOTIONS

That the City Council:

- 1.A. **(Staff Recommendation)** Deny the appeal and approve Crown Castle's wireless encroachment permit application for 6292 Buckingham Parkway, Culver City Permit Number U23-0278, based on the findings set forth in the September 28, 2023, Notice of Application Approval (Attachment 1) and subject to the conditions of approval set forth in Attachments 5 and 6 of the report; ; and adopt a finding that the approval is categorically exempt from CEQA pursuant to CEQA Guidelines §15303(e). *(Note: If the City Council determines to modify or supplement the conditions of approval, those should be articulated in the record.)*

OR

If the Council intends to deny any application:

(Note: If the City Council decides to deny the application, the motion for denial should specifically indicate which finding(s) for approval cannot be made and the reasons such finding(s) cannot be made, based on substantial evidence in the record.)

- 1.B. Grant the appeal and deny Crown Castle's wireless encroachment permit application for 6292 Buckingham Parkway, Culver City Permit Number U23-0278, because of the following findings for approval cannot be made for the following reasons: [insert as applicable]

AND

2. Direct Public Works staff to prepare and issue, pursuant to CCMC Section 11.20.065.G.2, a written Notice of Decision, signed by the Mayor, consistent with the City Council's findings and decision set forth in the February 26, 2024 record. The Notice shall be issued no later than February 28, 2024.

NOTES

¹ In AT&T Wireless Servs. v. City of Carlsbad, 308 F. Supp. 2d 1148, 1161 (S.D. Cal. 2003). the city made a finding that the wireless facility would "negatively affect property values of nearby homes based upon the perceived fear of the health effects cause by the RF emissions." The court held against Carlsbad, ruling that cities may not regulate based on the "direct or indirect concerns over the health effects of RF." The court explained that a denial could not be based on substantial evidence (as required by law) "...if the fear of property value depreciation is based on concerns over the health effects caused by RF emissions."



PUBLIC WORKS DEPARTMENT

9770 Culver Boulevard, Culver City, California 90232



Yanni Demitri, PE, TE, MSCE
Public Works Director and
City Engineer

(310) 253-5600

Mate Gaspar, P.E.
Engineering Services Manager

FAX (310) 253-5626

September 28, 2023

Brad Ladua
Sure Site Consulting Group
200 Spectrum Drive, Suite 1700
Irvine, CA 92618
Email: Brad.Ladua@crowncastle.com

**SUBJECT: Notice of Approval of Application for Crown Castle Small Cell CULVER_17-E –
6292 Buckingham Parkway, Culver City Permit Number U23-0278**

Dear Mr. Ladua:

Upon review of Crown Castle's application and supporting materials, we make the following findings:

1. Per the California Environmental Quality Act ("CEQA"), the State CEQA Guidelines, and the environmental regulations of the City above-referenced wireless facilities qualify as categorically exempt from CEQA pursuant to CEQA Guidelines § 15303(e), New Construction or Conversion of Small Structures;
2. The above-referenced wireless facilities are not detrimental to the public health, safety, and welfare;
3. These facilities comply with all applicable provisions of CCMC Section 11.20.065 and with all applicable design and development standards; and
4. These facilities meet applicable requirements and standards of state and federal law.

As a result, we approve Crown Castle's above-referenced application. This approval will be contingent upon Crown Castle complying with all conditions of the related Wireless Utility Permit, which can be found here: [Wireless Conditions](#).

Sincerely,

Sammy Romo, P.E.
Senior Civil Engineer

From: scottie scott <forscottiegrp@yahoo.com>
Sent: Tuesday, October 3, 2023 11:14 PM
To: Romo, Sammy
Subject: Re: Response Correction. Proposed Cell Site in Fox Hills, thank you

EXTERNAL: This email originated from outside of the organization. Do not click links or open attachments unless you confirm the content is safe.

Corrected email

Hello Mr. Romo,

Thank you for your note, and time to have a brief conversation. As mentioned to you, I would like to appeal the approval. I understand that the appeal will be taken before the City Council at one of their meetings. Please send any information regarding this to scottworks2020@gmail.com.

Thank you once again for your time.

Scott

On Oct 3, 2023, at 11:07 PM, scottie scott <forscottiegrp@yahoo.com> wrote:

Hello Mr. Romo,

Thank you for your note, and time to have a brief conversation. As mentioned to you, I would like to appeal the approval. I understand that the appeal will be taken before the City Council at one of their meetings. Please send any information regarding this to scottworks2020@gmail.com.

Thank you once again for your time.

Scott



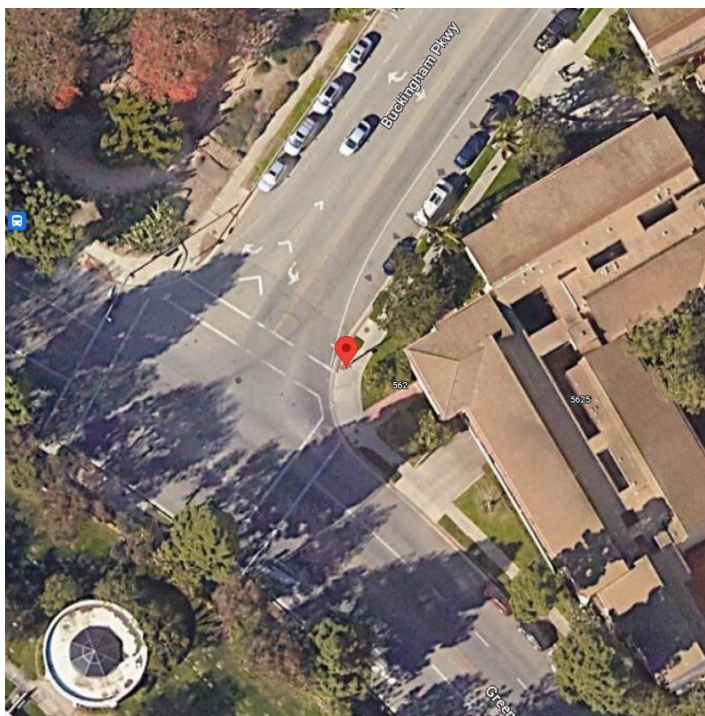
RF Emissions Compliance Report

SITE – SCL Culver 17 • 6292 Buckingham Pkwy. Culver City, CA 90230

Prepared For

Crown Castle

200 Spectrum Center Drive. Irvine, CA - 92618



Certification

I certify that the attached RF exposure analysis and report for SCL Culver 17, located at 6292 Buckingham Pkwy. Culver City, CA 90230 is correct to the best of my knowledge, and all calculations, assumptions and conclusions are based on generally acceptable engineering practices.



Executive Summary

Crown Castle has contracted MobileNet Services to evaluate the Radiofrequency Electromagnetic Compliance of the proposed site below. Compliance is based on the Federal Communication Commission (FCC) Rules and Regulations for human exposure to electromagnetic fields.



Site Name: SCL Culver 17

Latitude: 33.982173°

Longitude: -118.386072°

Structure Type: Metal Streetlight Pole

Address: 6292 Buckingham Pkwy. Culver City, CA 90230

FCC RF Exposure Guidelines

The Federal Communications Commission (FCC) has provided standards (FCC 96-326) for RF exposure which are derived from recommendations of two expert organizations, the National Council on Radiation Protection and Measurements (NCRP) Section 17.4.5 Report No. 86 and the Institute of Electrical and Electronics Engineers (IEEE) Sections 4.2.1 and 4.2.2 C95.1-1992. The FCC consulted with the Environmental Protection Agency (EPA), the Food and Drug Administration (FDA), and the Occupational Safety and Health Administration (OSHA) and obtained their support for the guidelines that the FCC is using. The exposure guidelines incorporate prudent margins of safety.

The FCC has classified Radio Frequency (RF) exposure limits into two tiers - General Population or “Uncontrolled Environment” and Occupational or “Controlled Environment”. These limits apply to accessible areas where workers or the general public may be exposed to RF electromagnetic fields. The General Public limits are generally five times more restrictive than the Occupational limit.

- *General Population/Uncontrolled* – Exposure limits apply in situations in which the general public may be exposed, or in which persons that are exposed as a consequence of their employment may not be fully aware of the potential for exposure or cannot exercise control over their exposure.
- *Occupational/Controlled* – Exposure limits apply in situations in which persons are exposed as a consequence of their employment and are fully aware of the potential for exposure and can exercise control over their exposure.

Maximum Permissible Exposure (MPE) – FCC OET Bulletin 65 Table 1 of 47 C.F.R. § 1.1310

Frequency Range (MHz)	General Population/Uncontrolled Exposure Limit (mW/cm²)	Averaging Time (mins.)	Occupational/Controlled Exposure Limit (mW/cm²)	Averaging Time (mins.)
30-300	0.2	30	1	6
300-1500	$f/1500$	30	$f/300$	6
1500-100,000	1.0	30	5	6

where f = frequency in MHz

In situations where the predicted MPE exceeds the General Population threshold in an accessible area because of emissions from multiple transmitters, FCC licensees that contribute greater than 5% of the aggregate MPE share responsibility for mitigation per 47 C.F.R § 1.1307(b)(3).





Analysis

Based on the information provided by Crown Castle, the proposed site will contain an (3) 5G panel type integrated antennas mounted atop an existing metal streetlight pole in the public right-of-way of Culver City, California. The predictive RF power density resulting from each transmitter at any location is expressed as a percentage of the FCC limit. It is assumed that all antenna specified channels are transmitting simultaneously, and that the radio transmitters are operating at maximum power. As predicted by RoofMaster™ the maximum permissible exposure (MPE) values for both ground and antenna levels as well as any other applicable reference planes are shown in the table below.

From all provided and gathered information there are currently no existing neighboring transmitters that contribute to the MPE levels for SCL Culver 17. The predictive exposure levels listed below are solely based on the proposed equipment for said site and should be mitigated accordingly.

Maximum Permissible Exposure (MPE) at Ground Level/General Public Accessible Areas & Antenna Level

Reference Plane	Maximum Permissible Exposure (MPE) Level: General Population (%)	Maximum Permissible Exposure (MPE) Level: Occupational (%)
Ground Level	0.07	0.01
Antenna Level	354.01	70.80

 5% - 100% MPE	Safe Area
 100% - 500% MPE	Area exceeds the FCC's General Population Limits
 500% - 5000%. MPE	Area exceeds the FCC's Occupational Population Limits
 ≥ 5000% MPE	Area exceeds the 10x FCC's Occupational Population Limits

From Figure 2 in the Elevation Detail Plots, the following keep-back distances to the FCC limits is determined to be as follows:

Distance to FCC 100% MPE Limits at the Antenna Level

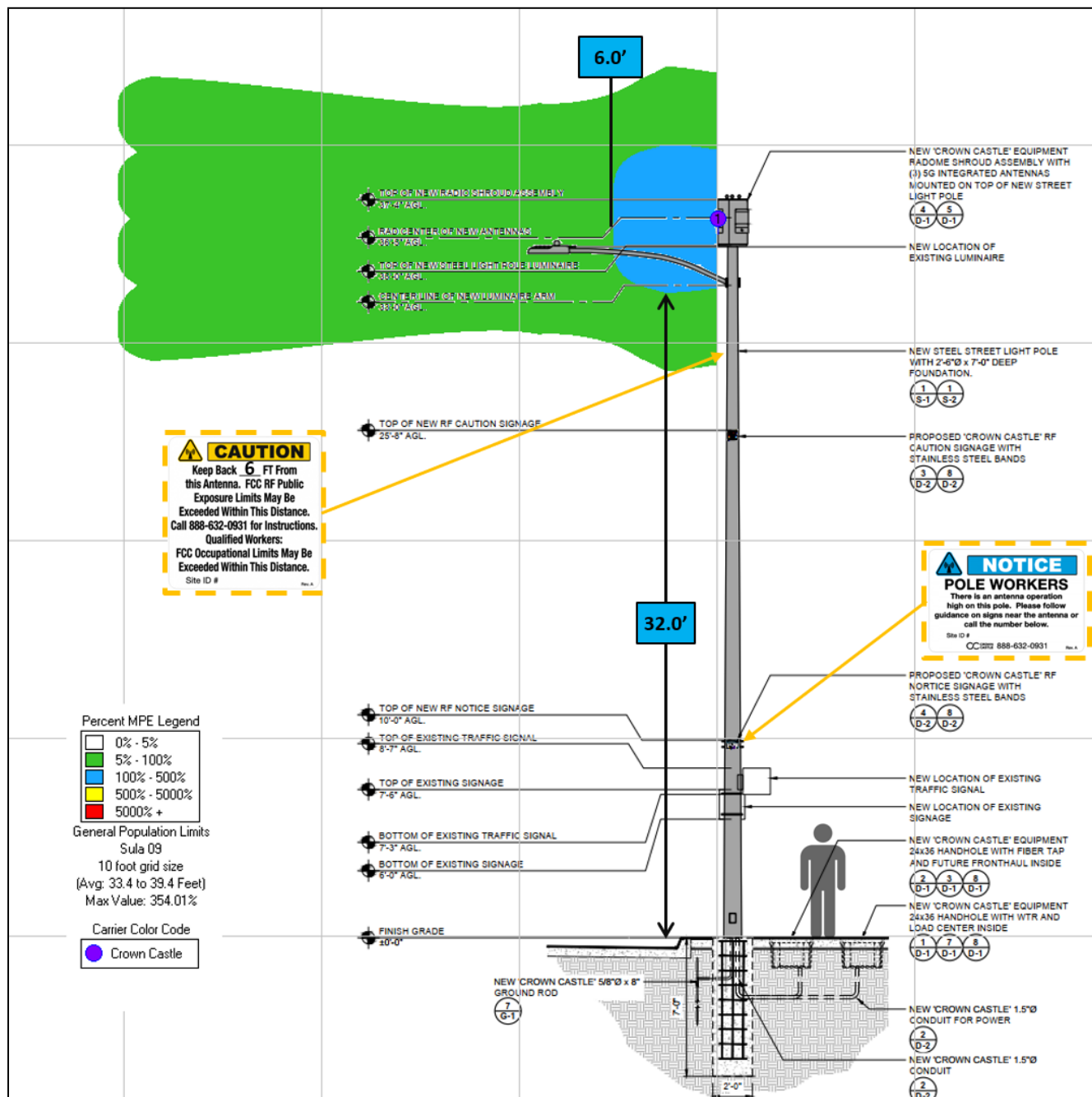
- Vertical Stand-off Distance (General Population) 2.2 feet
- Vertical Stand-off Distance (Occupational) N/A
- Horizontal Stand-off Distance (General Population) 5.3 feet
- Horizontal Stand-off Distance (Occupational) N/A

Distance to FCC 100% MPE Limits at Ground Level

- Horizontal Stand-off Distance (General Population) N/A
- Horizontal Stand-off Distance (Occupational) N/A

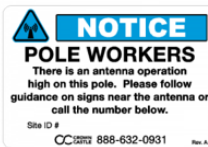
Elevation Detail

Figure 1: Predicted MPE level in relation to the center of a 6-foot vertical space that a person(s) can occupy at Ground Level



General Pop. Limit exceeded at 32' AGL

Structure Type: Metal Streetlight Pole
Antenna Rad Center Height: 36'-5" AGL



Percent MPE Legend

0% - 5%
5% - 100%
100% - 500%
500% - 5000%
5000% +

General Population Limits
Sula 09 Vertical
10 foot grid size
Mid Zone Avg

Figure 2: Top-Down Detailed view at Antenna Level

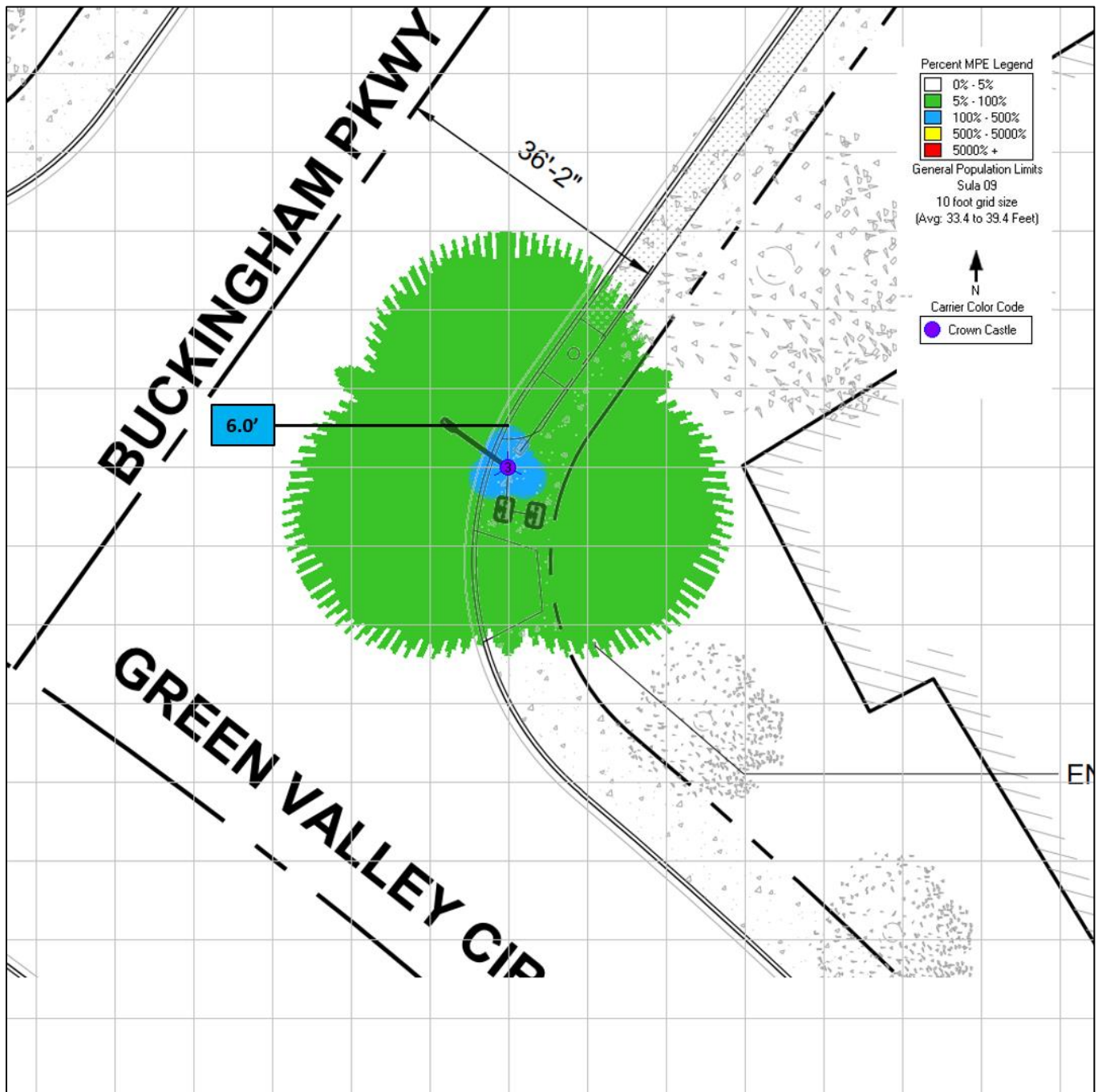
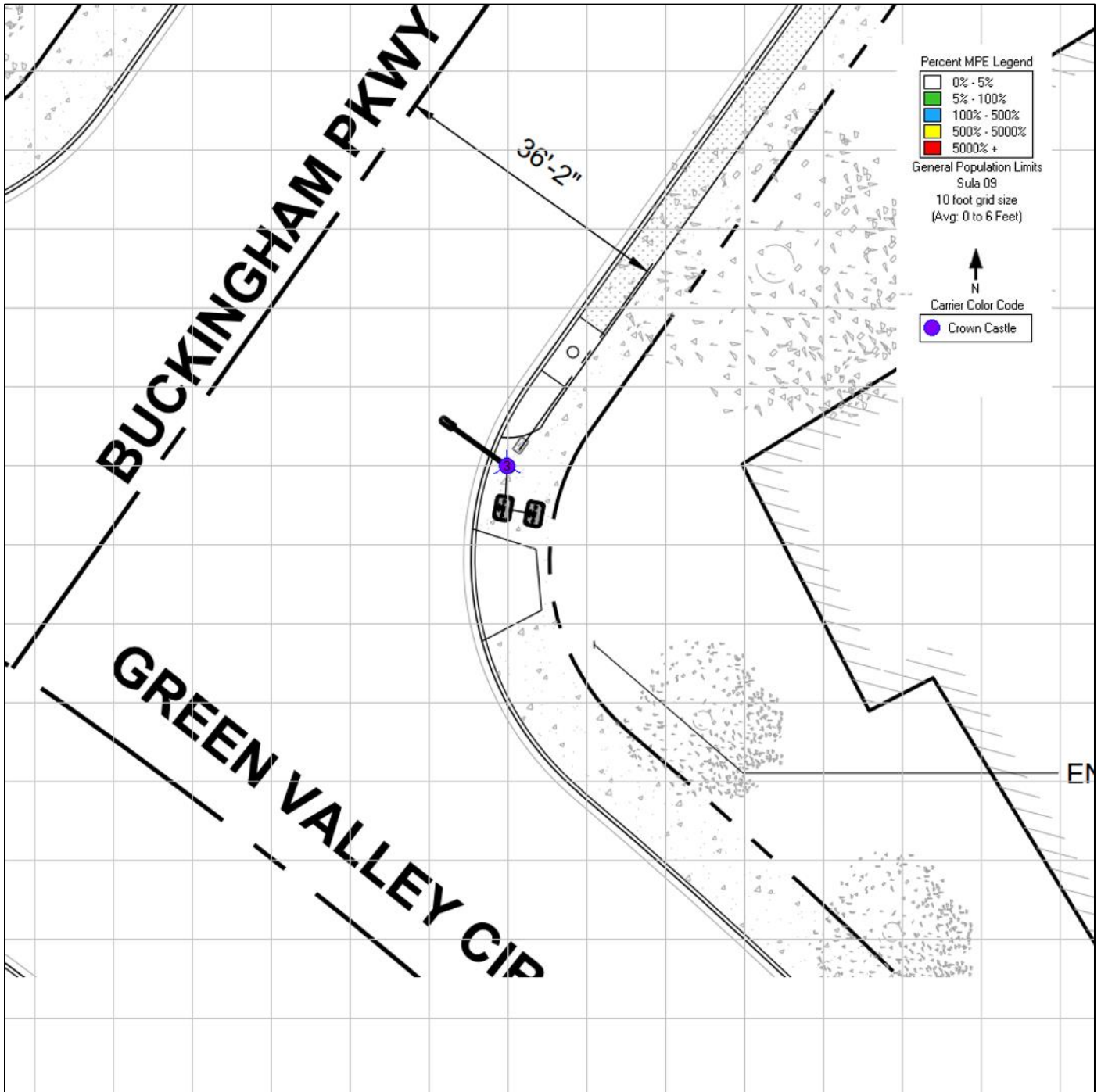


Figure 3: Top-Down Detailed view at Ground Level



Antenna Inventory

Antenna Number	Antenna ID	Operator	Antenna Mfg.	Antenna Model	Freq. (MHz)	Azimuth (deg)	M. Tilt (deg)	HBW (deg)	Antenna Aperture (ft)	TPO (W) per Path	Paths	Loss (db)	Antenna Gain (dbd)	EIRP (W)	ERP (W)	RAD Center AGL (ft)
1	1	Verizon Wireless	ERICSSON	SON SM6705 CM1 02.07.22 28GHz VZW	28000	0	0	4	1.31	0.6	2	0	26.14	809	493	36.4
2	2	Verizon Wireless	ERICSSON	SON SM6705 CM1 02.07.22 28GHz VZW	28000	120	0	4	1.31	0.6	2	0	26.14	809	493	36.4
3	3	Verizon Wireless	ERICSSON	SON SM6705 CM1 02.07.22 28GHz VZW	28000	240	0	4	1.31	0.6	2	0	26.14	809	493	36.4

Evaluation

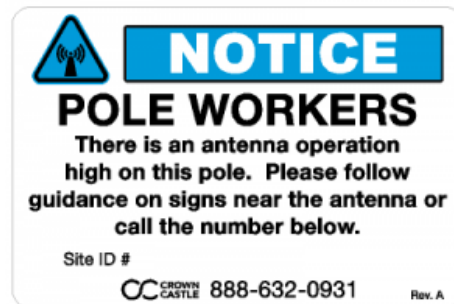
Ground Level - For any person standing at accessible areas such as the ground level, calculations resulted in exposure levels well below (< 1%) the FCC's General Population MPE limit.

Antenna Level – Any areas exceeding 100% of the General Population Limits are displayed as Blue. As seen in Figures 1 and 2 the FCC's general population limit may be exceeded within 6ft of the antenna. Any personnel accessing the pole and working within the area exceeding 100% of the limit should coordinate with the wireless operator or work should be performed by personnel trained in proper RF safety. Any work on the pole where the area is displayed as either Green or shows no color does not exceed hazardous exposure levels and requires no action to maintain a safe working environment.

RF Signage Recommendation

For the facility to be classified as Occupational/Controlled environment the following actions are recommended in accordance with the FCC's and Crown Castle's RF safety guidelines:

- Install NOTICE sign(s) near the bottom of the pole or on the shroud any time there is a zone near the antenna that exceeds the General Population limit. This sign should be mounted where it is easily visible to workers on the ground as they approach the pole. Recommend placing on pole about 7-9' above ground level (AGL).



- Install CAUTION sign(s) on or near the antenna(s) with a Keep Back Distance of **6ft**. Keep Back distance must be filled in on the sign. This sign must be mounted on or just below the radiating antenna where it is visible to workers approaching the antenna in a lift or bucket truck. Recommend placing on pole at 29ft above ground level (AGL).



Calculation Methodology

MobileNet Services has performed theoretical modeling using RoofMaster™ developed by Waterford Consultants, LLC to predict the overall maximum permissible exposure (MPE) possible at any particular location given the spatial orientation and operating parameters of multiple RF sources. The input data for the calculations is based upon information provided by the client.

RoofMaster™ predictive models comprise of the Far Field model as specified in OET-65 as well as use of the OET-65 Cylindrical Model (Sula09). These models utilize several operational specifications for different types of antennas to produce a plot of spatially averaged power densities that can be conveyed as a percentage of the applicable exposure limit.

The power density in the Far Field of an RF source is described by OET-65 Equation (4) as the following equation:

$$S = \frac{EIRP}{4 \cdot \pi \cdot R^2} \text{ (mW/cm}^2\text{)},$$

where EIRP is the Effective Radiated Power relative to an isotropic antenna and R is the distance between the antenna and the point of study. At any location, the predicted power density in the Far Field is the spatial averaging of points within a 0-to-6-foot vertical space that a person would occupy.

The Near field power density is described by OET-65 Equation (20) is represented as the following equation:

$$S = \left(\frac{180}{\theta_{BW}} \right) \cdot \frac{100 \cdot P_{in}}{\pi \cdot R \cdot h} \text{ (mW/cm}^2\text{)},$$

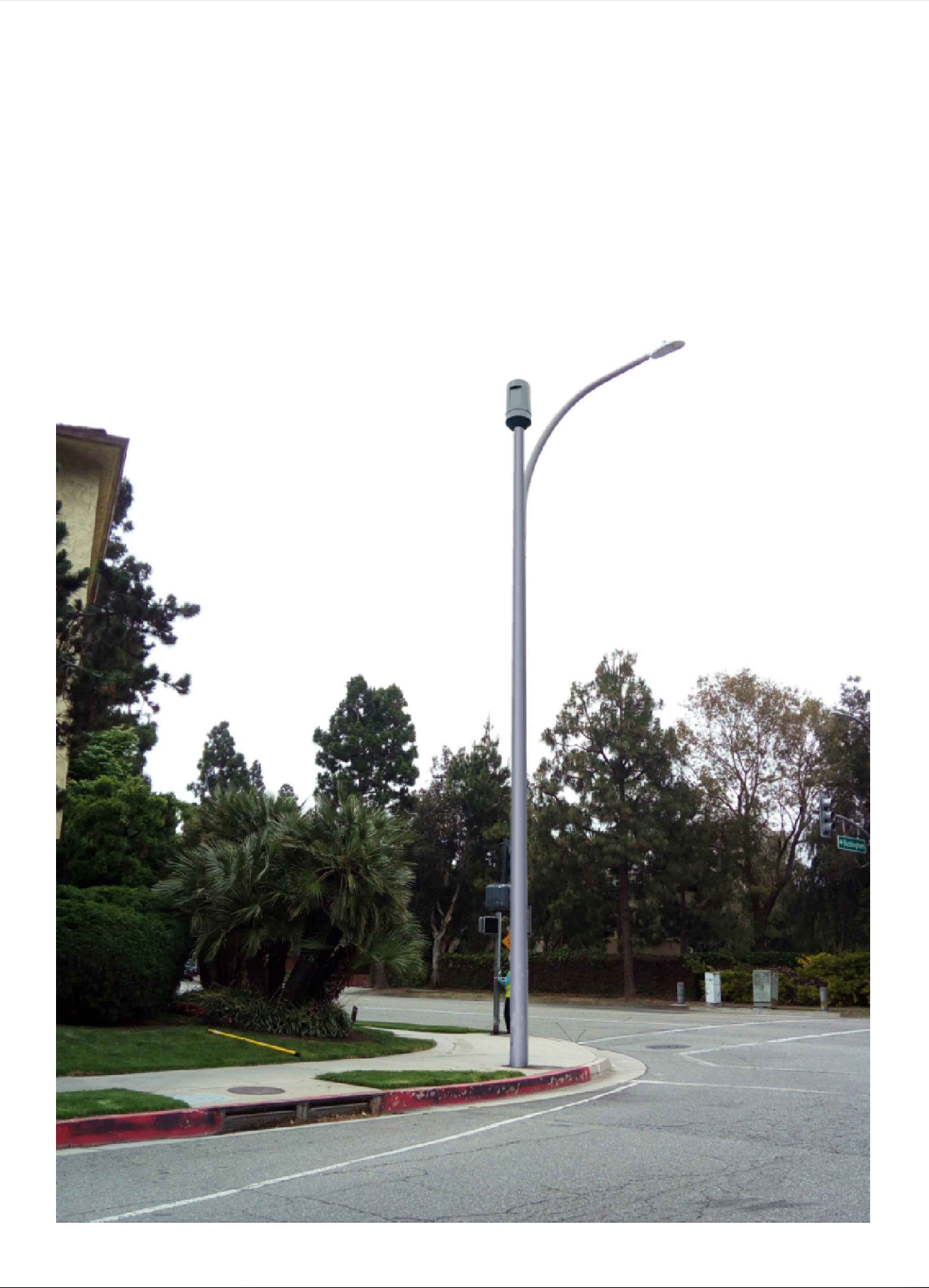
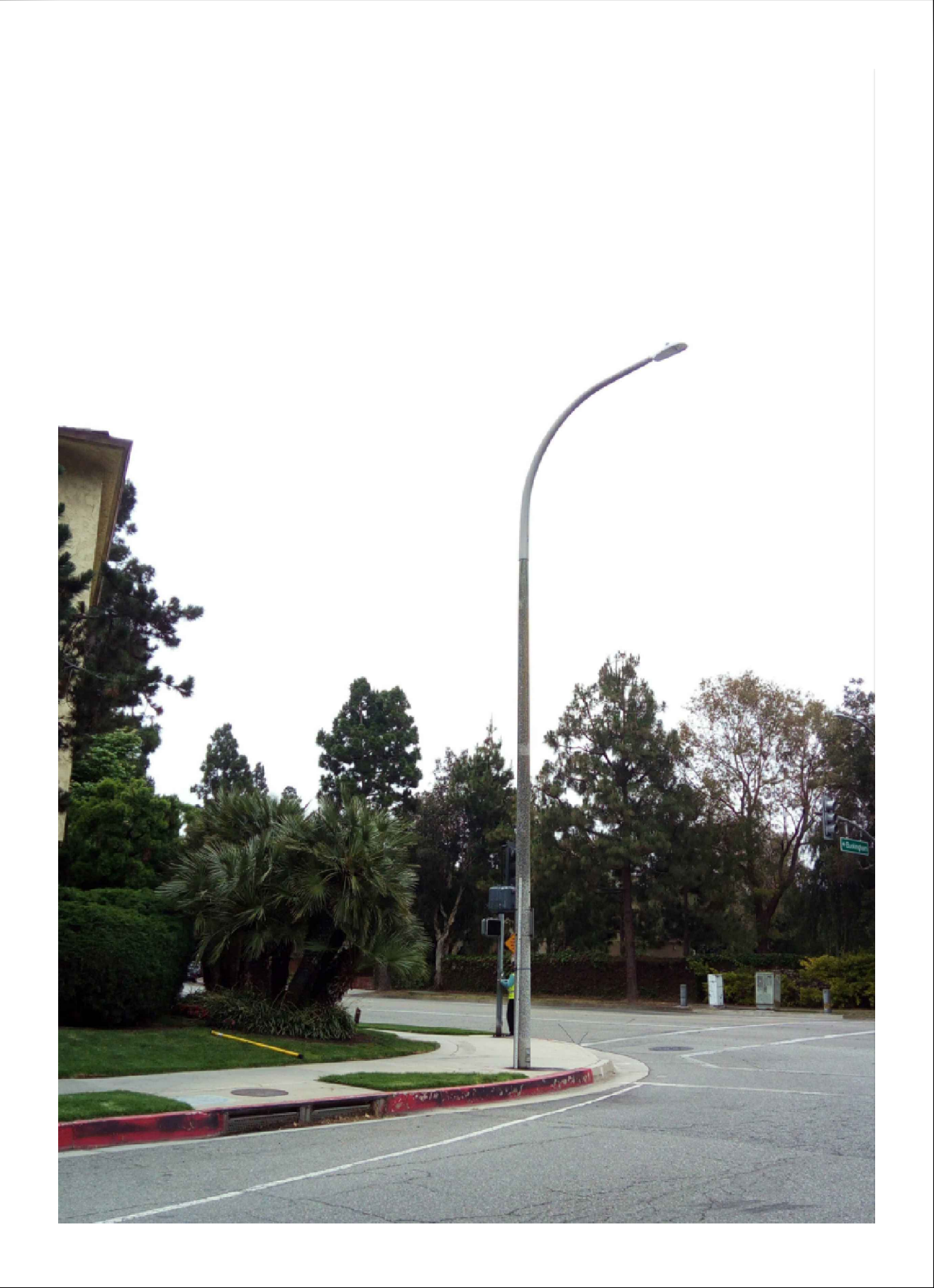
where P_{in} is the power input to the antenna, h is the aperture length and θ_{BW} is the beam width of the antenna in degrees.

Conclusion

The proposed site will be **COMPLIANT** with the FCC guidelines limiting public exposure to RF energy. These limits apply for continuous exposures and are intended to provide a prudent margin of safety for all persons, regardless of age, gender, size, or health. The RF exposure levels from the proposed site will be well below the maximum permissible levels and complies with Radiofrequency Radiation Exposure Limits of 47 C.F.R § 1.1307(b)(3) and 47 CFR § 1.1310.

CROWN CASTLE FIBER LLC
PHOTOSIMULATIONS

NODE ID:
SCL CULVER 17 - E



NODE INFORMATION

CROWN NODE ID:
SLID:
POLE OWNER:
POWER PROVIDER:
HUB ID:
CLUSTER/AREA:

SCL CULVER 17 - E
SL-L9-02
CITY OF CULVER
CITY OF CULVER
124780 (MARINA MTSO)
PRP_VZW_VCA2-RELOOK_
FIBER_MARINA MTSO_35 NODES

LATITUDE:
LONGITUDE:
NEAREST ADDRESS:

33.982173°N
-118.386072°W
6292 BUCKINGHAM PKWY

ENGINEER:


Pramira
ARCHITECTURAL & ENGINEERING SERVICES

OWNER/DEVELOPER:


200 SPECTRUM CENTER DRIVE, 19TH FLOOR
IRVINE, CA 92618

TITLE:

CROWN CASTLE
POLE #: SL-L9-02

REVISIONS

REV	DATE	DESCRIPTION	BY
00	07/05/2023	90% CONSTRUCTION DRAWINGS	JA
01	07/26/2023	95% CONSTRUCTION DRAWINGS	JR
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DRAWN BY:
JA

CHECKED BY:
G.A.

APPROVED BY:
G.A.

PROJECT NUMBER:
SCL CULVER 17 - E

SHEET NAME:
PHOTOSIMULATIONS

DATE DRAWN:
07/05/2023

SCALE:
AS SHOWN

P-1

CROWN CASTLE FIBER LLC
PHOTOSIMULATIONS

NODE ID:
SCL CULVER 17 - E

NODE INFORMATION

CROWN NODE ID:
SLID:
POLE OWNER:
POWER PROVIDER:
HUB ID:
CLUSTER/AREA:

SCL CULVER 17 - E
SL-L9-02
CITY OF CULVER
CITY OF CULVER
124780 (MARINA MTSO)
PRP_VZW_VCA2-RELOOK_
FIBER_MARINA MTSO_35 NODES

LATITUDE:
LONGITUDE:
NEAREST ADDRESS:

33.982173°N
-118.386072°W
6292 BUCKINGHAM PKWY



ENGINEER:

Pramira
ARCHITECTURAL & ENGINEERING SERVICES

OWNER/DEVELOPER:

CROWN CASTLE
200 SPECTRUM CENTER DRIVE, 19TH FLOOR
IRVINE, CA 92618

TITLE:
CROWN CASTLE
POLE #: SL-L9-02

REVISIONS			
REV	DATE	DESCRIPTION	BY
00	07/05/2023	90% CONSTRUCTION DRAWINGS	JA
01	07/26/2023	95% CONSTRUCTION DRAWINGS	JR
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DRAWN BY:	CHECKED BY:	APPROVED BY:
JA	G.A.	G.A.

PROJECT NUMBER:	SCL CULVER 17 - E
SHEET NAME:	PHOTOSIMULATIONS
DATE DRAWN:	07/05/2023
SCALE:	AS SHOWN

EXISTING PHOTO LOOKING NORTHEAST

PROPOSED PHOTOSIM LOOKING NORTHEAST

RESOLUTION NO. 2022-R 020

A RESOLUTION OF THE CITY OF CULVER CITY, CALIFORNIA
REVISING STANDARD CONDITIONS OF APPROVAL FOR
WIRELESS ENCROACHMENT PERMITS TO INSTALL
WIRELESS FACILITIES IN THE PUBLIC RIGHTS-OF-WAY
PURSUANT TO CULVER CITY MUNICIPAL CODE SECTION
11.20.065.H.1; FINDING SUCH AMENDMENTS TO BE EXEMPT
FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT
(CEQA) PURSUANT TO CEQA GUIDELINES SECTION 15061
(b)(3)

WHEREAS, Section 11.20.065 of the Culver City Municipal Code (CCMC) governs
the permitting, installation, and regulation of wireless facilities in the City's public rights-of-way
(PROW); and

WHEREAS, CCMC Section 11.20.065.H requires that the City Council adopt
standard conditions of approval applicable to all wireless facilities in the PROW, which may be
modified by the approving authority on a case-by-case basis; and

WHEREAS, on December 10, 2018, the City Council approved Resolution No.
2018-R019, adopting the current *Standard Conditions of Approval* applicable to wireless facilities
("Standard Conditions"); and

WHEREAS, the City Council wishes to revise the current Standard Conditions; and

WHEREAS, on February 28, 2022, the City Council conducted a duly noticed
public meeting and received testimony from City staff and all interested parties regarding the
proposed revisions to the current Standard Conditions; and

WHEREAS, in accordance with the California Environmental Quality Act (CEQA),
the City Council determined the amendments to the Standard Conditions are exempt from
CEQA, as set forth in this Resolution; and

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

NOW, THEREFORE, the City Council of the City of Culver City, California, **DOES
HEREBY RESOLVE** as follows:

1
2 **SECTION 1. Findings.** The foregoing Recitals are adopted as findings of the City
3 Council as though fully set forth within the body of this Resolution.

4
5 **SECTION 2. Definitions.** The definitions set forth in CCMC Section 11.20.065
6 are incorporated by reference into this Resolution.

7
8 **SECTION 3. Standard Conditions of Approval for all Wireless Facilities in the**
9 **Public Rights-of-Way.** In addition to any supplemental conditions imposed by the approving
10 authority, all wireless encroachment permits shall be subject to the following conditions, unless
11 modified by the approving authority:

12 a. *Code Compliance.* The permittee shall at all times maintain
13 compliance with all applicable federal, state and local laws, regulations and other
14 rules, including, without limitation, those applying to use of public rights-of-way.

15 b. *Permit Duration.* A wireless encroachment permit shall be
16 valid for a period of ten (10) years, unless pursuant to another provision of the
17 Code or these conditions, it expires sooner or is terminated. At the end of ten
18 (10) years from the date of issuance, such Permit shall automatically expire,
19 unless an extension or renewal has been granted. A person holding a wireless
20 encroachment permit must either (i) remove the facility within thirty (30) days
21 following the permit's expiration (provided that any involved support structure that
22 is not owned by the person holding the expiring permit need not be removed, but
23 must be restored to its prior condition, except as specifically permitted by the
24 City); or (ii) at least ninety (90) days prior to expiration, submit an application to
25 renew the permit, which application must, among all other requirements,
26 demonstrate that the wireless facility will comply with then-current wireless
27 regulations. The wireless facility may remain in place until the renewal
28 application is acted upon by the City and all appeals from the City's decision
exhausted.

 c. *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 public rights-of-way, within sixty (60) days following the day construction

1 commenced, unless the Public Works Director / City Engineer grants an
2 extension, which extension shall not be more than sixty (60) additional days.

3 d. *Commencement of Operations.* The operation of the
4 approved facility shall commence no later than three (3) months after the
5 completion of installation, or the wireless encroachment permit will expire without
6 further action by the City.

7 e. *As-Built Drawings.* The Permittee shall submit an as-built
8 drawing within ninety (90) days after installation of the facility. As-builts shall be
9 in an electronic format acceptable to the City.

10 f. *Inspections; Emergencies.* The City or its designee may
11 enter onto the facility area to inspect the facility upon 48 hours prior notice to the
12 permittee. The permittee shall cooperate with all inspections and may be present
13 for any inspection of its facility by the City. The City reserves the right to enter or
14 direct its designee to enter the facility and support, repair, disable, or remove any
15 elements of the facility in emergencies or when the facility threatens imminent
16 harm to persons or property. Permittee shall reimburse the City for any costs the
17 City incurs related to emergency support, repairs, disabling, or removal of
18 permittee's facilities. The City shall make an effort to contact the permittee prior
19 to disabling or removing any facility elements, but in any case shall notify
20 permittee within one (1) business day of doing so.

21 g. *Contact.* The permittee shall at all times maintain accurate
22 contact information for all parties responsible for the facility, which shall include a
23 phone number, street mailing address and email address for at least one natural
24 person.

25 h. *Insurance.* Permittee and any contractors used by Permittee
26 to install permitted wireless facilities in the PROW shall comply with the
27 insurance requirements attached to this Resolution, as Exhibit A, throughout the
28 term of any permits issued by the City allowing the installation of, permitting or
regulating such wireless facilities. The City Manager or their designee shall have
the authority and discretion to increase the scope or dollar amount of coverage
required under any of the policies described in Exhibit A, or may require different
or additional coverages, upon prior written notice to Permittee and/or Permittee's
contractors. In addition, the City Manager or their designee shall have the
authority to waive one or more of the coverages listed in Exhibit A. This waiver
must be express and in writing, and will only be made upon a showing by the
Permittee and/or Permittee's contractor that its operations in and with respect to
the City are not such as to impose liability within the scope of that particular
coverage.

i. *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

1 any and all damages, liabilities, injuries, losses, costs, and expenses, and from
2 any and all claims, demands, law suits, writs of mandamus, and other actions or
3 proceedings brought against the city or its agents, officers, officials, or
4 employees to challenge, attack, seek to modify, set aside, void or annul the city's
5 approval of the permit, and (ii) from any and all damages, liabilities, injuries,
6 losses, costs, and expenses, and any and all claims, demands, law suits, or
7 causes of action and other actions or proceedings of any kind or form, whether
8 for personal injury, death or property damage, arising out of or in connection with
9 the activities or performance of the permittee or, if applicable, the private property
10 owner or any of each one's agents, employees, licensees, contractors,
11 subcontractors, or independent contractors. . In the event the city becomes
12 aware of any such actions or claims the city shall promptly notify the permittee
13 and, if applicable, the private property owner and shall reasonably cooperate in
14 the defense. The City shall have the right to approve, which approval shall not be
15 unreasonably withheld, the legal counsel providing the City's defense, and the
16 property owner and/or permittee (as applicable) shall reimburse City for any
17 costs and expenses directly and necessarily incurred by the City in the course of
18 the defense.

19 j. *Performance Bond.* Prior to issuance of a wireless
20 encroachment permit, the permittee shall file with the City, and shall maintain in
21 good standing throughout the term of the approval, a performance bond or other
22 surety or another form of security for the removal of the facility in the event that
23 the use is abandoned or the permit expires, or is revoked, or is otherwise
24 terminated. The security shall be in the amount equal to 100% of the cost of
25 physically removing the facility and all related facilities and equipment on the site
26 and restoration of the public rights-of-way to its prior condition, based on the
27 higher of two contractor's quotes for removal that are provided by the permittee.
28 The permittee shall reimburse the City for any and all costs the City incurs in
relation to permittee's facilities, including, but not limited to, staff time associated
with the processing and tracking of the bond, based on the hourly rate adopted
by Resolution of the City Council. Reimbursement shall be paid when the
security is posted and during each administrative review.

k. *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.

l. *Noninterference.* 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

1 property. Prior to commencement of any work pursuant to a wireless
2 encroachment permit, the Permittee shall provide the City with documentation
3 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 public
rights-of-way or City utility easement to be affected by Permittee's facilities.

4 m. *No Right, Title, or Interest.* The permission granted by a
5 wireless encroachment permit shall not in any event constitute an easement on
6 or an encumbrance against the public rights-of-way. No right, title, or interest
7 (including franchise interest) in the public rights-of-way, 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.

8 n. *No Possessory Interest.* No possessory interest is created
9 by a wireless encroachment permit. However, to the extent that a possessory
10 interest is deemed created by a governmental entity with taxation authority,
11 Permittee acknowledges that City has given to Permittee notice pursuant to
12 California Revenue and Taxation Code Section 107.6 that the use or occupancy
13 of any public property pursuant to a wireless encroachment permit may create a
14 possessory interest which may be subject to the payment of property taxes levied
15 upon such interest. Permittee shall be solely liable for, and shall pay and
16 discharge prior to delinquency, any and all possessory interact taxes or other
17 taxes, fees, and assessments levied against Permittee's right to possession,
18 occupancy, or use of any public property pursuant to any right of possession,
occupancy, or use created by this permit.

19 o. *General Maintenance.* The site and the facility, including, but
20 not limited to, all landscaping, fencing, and related transmission equipment, must
21 be maintained in a neat and clean manner and in accordance with all approved
22 plans. All graffiti on facilities must be removed at the sole expense of the
23 Permittee within forty eight (48) hours after notification from the City.

24 p. *RF Exposure Compliance.* All facilities must comply with all
25 standards and regulations of the FCC and any other state or federal government
26 agency with the authority to regulate RF exposure standards. After transmitter
27 and antenna system optimization, but prior to unattended operations of the
28 facility, permittee or its representative must conduct on-site post-installation RF
emissions testing to demonstrate actual compliance with the FCC OET 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.

q. *Testing.* Testing of any equipment shall take place on
weekdays only, and only between the hours of 8:00 a.m. and 5:00 p.m., except
that testing is prohibited on holidays that fall on a weekday. Testing is prohibited
on weekends.

1 r. *Modifications.* No changes shall be made to the approved
2 plans without review and approval in accordance with this Section.

3 s. *Agreement with City.* If not already completed, Permittee
4 shall enter into the appropriate agreement with the City, as determined by the
5 City, prior to constructing, attaching, or operating a facility on Municipal
6 Infrastructure. This permit is not a substitute for such agreement.

7 t. *Conflicts with Improvements.* For all facilities located within
8 the public rights-of-way, the Permittee shall remove or relocate, at its expense
9 and without expense to the City, any or all of its facilities when such removal or
10 relocation is deemed necessary by the City by reason of any change of grade,
11 alignment, or width of any public rights-of-way, for installation of services, water
12 pipes, sewer pipes, drains, storm drains, power or signal lines, traffic control
13 devices, public rights-of-way improvements, or for any other construction, repair,
14 or improvement to the public rights-of-way.

15 u. *Abandonment.* If a facility is not operated for a continuous
16 period of ninety (90) days (or, if good cause exists, a longer period of time that
17 the Public Works Director / City Engineer sets in their sole discretion), the
18 wireless encroachment permit and any other permit or approval therefor shall be
19 deemed abandoned and terminated automatically, unless before the end of the
20 ninety (90) day period the Public Works Director / City Engineer has received an
21 application to transfer the permit to another service provider. No later than
22 ninety (90) days from (i) the date the facility is determined to have ceased
23 operation or (ii) the date the Permittee has notified the Public Works Director /
24 City Engineer of its intent to vacate the site, the Permittee shall, unless otherwise
25 directed by the Public Works Director / City Engineer, remove all equipment and
26 improvements associated with the use and shall restore the site to its original
27 condition to the satisfaction of the Public Works Director / City Engineer. The
28 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.

 v. *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

1 complete copies of such records within a reasonable time after a written request
2 from the City, any ambiguities or uncertainties that would be resolved through an
inspection of the missing records will be construed against the permittee.

3 w. *Attorney's Fees.* In the event the City determines that it is
4 necessary to take legal action to enforce any of these conditions, or to revoke a
5 permit, and such legal action is taken, the Permittee shall be required to pay any
6 and all costs of such legal action, including reasonable attorney's fees, incurred
7 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.

8 **SECTION 4. Eligible Facility Requests.** In addition to the conditions provided in
9 Section 3 of this Resolution and any supplemental conditions imposed by the approving
10 authority, all wireless encroachment permits issued in response to an eligible facility request
11 shall be subject to the following additional conditions, unless modified by the approving authority:

12
13 a. *Permit subject to conditions of underlying permit.* Any permit
14 granted in response to an application qualifying as an eligible facilities request
shall be subject to the terms and conditions of the underlying permit.

15 b. *No permit term extension.* The City's grant or grant by
16 operation of law of an eligible facilities request permit constitutes a federally-
17 mandated modification to the underlying permit or approval for the subject tower
18 or base station. Notwithstanding any permit duration established in another
19 permit condition, the City's grant or grant by operation of law of an eligible
20 facilities request permit will not extend the permit term for the underlying permit
or any other underlying regulatory approval, and its term shall be coterminous
with the underlying permit or other regulatory approval for the subject tower or
base station.

21 c. *No waiver of standing.* The City's grant or grant by operation
22 of law of an eligible facilities request does not waive, and shall not be construed
23 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.

24 **SECTION 5. Small Cell Facilities.** In addition to the conditions provided in
25 Section 3 of this Resolution and any supplemental conditions imposed by the approving
26 authority, all small cell facilities permits issued in response to an eligible facility request
27 shall be subject to the following additional conditions, unless modified by the approving authority:

1 authority, all wireless encroachment permits issued for a small cell facility shall be subject to the
2 following additional conditions, unless modified by the approving authority:

3
4 a. *No waiver of standing.* The City's grant of a permit for a
5 small cell facility request does not waive, and shall not be construed to waive,
6 any standing by the City to challenge any FCC orders or rules related to small
7 cell facilities, or any modification to those FCC orders or rules.

8 **SECTION 6. CEQA Exemption.** Pursuant to the foregoing recitations, the City
9 Council finds the amendments to the Standard Conditions are exempt from the California
10 Environmental Quality Act (CEQA), pursuant to CEQA Guidelines Section 15061(b)(3), as it can
11 be seen with certainty there is no possibility the adoption of the Standard Conditions will have a
12 significant effect on the environment. The adoption of the Standard Conditions, by itself, does
13 not result in any direct physical changes in the environment, as it only establishes standards and
14 other conditions that may be applied to a subsequent project. Once an application is filed, that
15 application will be subject to further environmental review. It is likely, however, that any
16 applicable wireless facility installation would also be exempt from CEQA in accordance with
17 State CEQA Guidelines Sections 15302 (replacement or reconstruction), 15303 (new
18 construction or conversion of small structures), and/or 15304 (minor alterations to land).

19 **SECTION 7. Effective Date.** This Resolution shall become effective upon
20 adoption.

21 a. *Applications submitted after Effective Date.* Any wireless
22 facility application received by the City after the Effective Date shall be subject to
23 the conditions set forth in Sections 3 through 5 of this Resolution.

24 b. *Applications submitted on or before Effective Date.* The
25 conditions of approval adopted by Resolution No. 2018-R109 shall continue to
26 apply to any wireless facility applications received by the City on or before the
27 Effective Date.

28 ///

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1
2 **APPROVED and ADOPTED** this 28th day of February 2022.
3

4 

5 DR. DANIEL LEE, Mayor
6 City of Culver City, California

7
8 **ATTEST:**

9 
10 JEREMY GREEN
11 City Clerk

12 A22-00028

13
14 **APPROVED AS TO FORM:**

15 
16  HEATHER BAKER
17 City Attorney

EXHIBIT A

Insurance Requirements

A. Commercial General Liability. A policy or policies of insurance using Insurance Services Office (ISO) form CG 00 01 or an equivalent form providing coverage at least as broad as the ISO form. Total limits shall be no less than Five Million Dollars (\$5,000,000) per occurrence and policy aggregate, and may be provided through any combination of primary and excess or umbrella policies. Any excess or umbrella policies shall "follow form" of the primary policy. Any excess or umbrella policy shall contain a clause stating that it takes effect and thereby drops down in the event the primary policy limits are impaired or exhausted. The City and its elected and appointed officers, agents, officials, employees, representatives, consultants, volunteers and contractors (hereinafter collectively referred to as the "City Indemnified Parties"), shall be additional insureds under the policies required by this Section A and Section C (below).

- (1) This policy or policies shall include the following coverage:
 - a. Bodily Injury and Property Damage;
 - b. Personal Injury/Advertising Injury;
 - c. Premises/Operations Liability;
 - d. Products/Completed Operations Liability;
 - e. Bodily Injury or Damage resulting from radio frequency exposure at levels exceeding the Federal Communications Commission limits;
 - f. Contractual Liability with respect to the involved permit;
 - g. Broad Form Property Damage; and,
 - h. Independent Consultants or Independent Contractors coverage.
- (2) The policy or policies shall not exclude or delete coverage for Explosion, Collapse, Underground ("UCX") or cross liability claims or suits by one insured against another.
- (3) The policy or policies shall contain no endorsements or provisions limiting coverage for contractual liability or products/completed operations liability or any exclusion contrary to the conditions of the permit(s) issued to the Permittee by the City.
- (4) The aggregate limits of any general liability policy must apply separately to each project or location.
- (5) If Permittee's general liability policy or policies do not comply with any of the requirements contained in Subsections A(1), A(2), A(3) or A(4), Permittee shall acquire additional policies necessary to comply with all of these requirements.

B. Workers Compensation. A policy or policies of insurance providing statutory workers compensation benefits and employer's liability coverage. Employer's liability limits shall be no less than One Million Dollars (\$1,000,000) each accident, each employee, and policy limit. The workers' compensation policies shall provide the following:

- (1) A voluntary compensation endorsement;
- (2) An alternate employer endorsement; and
- (3) A provision extending coverage to all states operations as appropriate.

C. Automobile Liability. A policy of insurance using Insurance Services Office (ISO) form CA 00 01 or an equivalent form providing coverage at least as broad as the ISO form. Limits shall be no less than Three Million Dollars (\$3,000,000) combined single limit. This insurance shall extend to all owned, non-owned and hired automobiles.

D. General Requirements Related to Insurance Provided by Permittee.

(1) Maintenance of Coverage. Permittee's failure to maintain all required insurance policies required by and in accordance with this Exhibit "A" shall constitute a Default of the Agreement by Permittee.

(2) Primary Insurance. All insurance policies required to be provided by Permittee are intended to apply first and on a primary, non-contributing basis in relation to any other insurance or self-insurance available to the City and/or City Indemnified Parties.

(3) Proof of Insurance. Permittee shall provide to the City copies of Certificates of Insurance and policy endorsements, including additional insured endorsements as required, as evidence of the insurance policies required herein, along with a waiver of subrogation endorsement for workers' compensation. Insurance certificates and endorsements must be approved by the City prior to the effective date of the Agreement. Current evidence of insurance shall be provided by Permittee to the City at all times during the Term of these GTCs. The City reserves the right to require complete, certified copies of all required insurance policies, at any time.

(4) Acceptable Insurers. All insurance policies shall be issued by an insurance company currently authorized by the Insurance Commissioner to transact the business of insurance in the State of California, with an assigned policyholders' Rating of A-:VIII (or higher) and Financial Size Category Class VII (or larger), in accordance with the latest edition of Best's Key Rating Guide, unless otherwise approved by the City.

(5) Waiver of Subrogation. All insurance policies shall contain language or be endorsed to contain language to waive subrogation against the City and the City Indemnified Parties. Such endorsement or policy language shall not contain any additional restrictions. Permittee hereby waives its own right of recovery against the City and the City Indemnified Parties, and Permittee shall require similar written express waivers and insurance clauses from each of its contractors.

(6) Contractors. Permittee shall require each of its contractors and any person directly or indirectly employed by any of them to provide and maintain insurance as required by

this Section (D)(6) unless the contractor is covered by Permittee's insurance. Permittee shall require general liability, auto liability and workers' compensation/employer's liability insurance ("basic coverages") of its contractors. Other coverages shall be required by Permittee of its contractors if their work involves specific exposures, including environmental and professional liability exposures, not covered by the basic coverages listed in this Section (D)(6). Limits of insurance required of its contractors shall be at Permittee's discretion, but shall be consistent with custom and practice for such requirements in the geographical area where the work or services are being performed. Permittee shall cause each contractor to include the City and the City Indemnified Parties as additional insureds under each such contractor's insurance policies obtained, except for any professional liability insurance. Permittee shall require that each contractor obtain from his/her/its workers' compensation insurer a waiver of subrogation rights that such insurer may have against the City and the City Indemnified Parties. If requested by the City, Permittee shall promptly provide certificates of insurance, endorsements, or copies of policies, as requested, evidencing coverage for each such contractor of Permittee.

(7) Enforcement of Contract Provisions (non estoppel). Permittee acknowledges and agrees that any actual or alleged failure on the part of the City to inform Permittee of non-compliance with any requirement imposes no additional obligations on the City nor does it waive any rights hereunder.

(8) Specifications Not Limiting. Requirements of specific coverage features or limits contained in these Insurance Requirements are not intended as a limitation on coverage, limits or other requirements, or a waiver of any coverage normally provided by any insurance. Specific reference to a given coverage feature is for purposes of clarification only as it pertains to a given issue and is not intended by any party or insured to be all inclusive, or to the exclusion of other coverage, or a waiver of any type.

(9) Notice of Cancellation. All insurance policies required by these Insurance Requirements shall be endorsed to state that coverage shall not be suspended, voided, canceled, or reduced in coverage or in limits, except after providing the City with thirty (30) calendar days' prior written notice, except for nonpayment for which ten (10) calendar days' prior written notice is required. Such endorsement shall not include any limitation of liability of the insurer for failure to provide such notice.

(10) Self-insured Retentions. Permittee shall be responsible, and the City shall have no responsibility, for any self-insured retentions or deductibles. Any self-insured retentions must be declared to and approved by the City. The City reserves the right to require that self-insured retentions be eliminated, lowered, or replaced by a deductible. Self-insurance will not be considered to comply with these specifications unless approved by the City.

(11) Timely Notice of Claims. Permittee shall give the City prompt and timely written notice of claims made or suits instituted that arise out of or result from Permittee's actions or inactions under the Agreement, and that involve or may involve coverage under any of the required insurance policies.

(12) Additional Insurance. Permittee shall also procure and maintain, at its own cost and expense, any additional kinds of insurance, which in its own judgment may be necessary for its proper protection in connection with the Agreement.

(13) Renewal Policies. Permittee shall promptly deliver to the City a certificate of insurance and copies of all required endorsements with respect to each renewal policy, as necessary to demonstrate the maintenance of the required insurance policies under the terms specified herein.

(14) Support of Indemnifications. The insurance policies provided hereunder by Permittee are not intended to, and shall not be considered, interpreted, or deemed to, limit Permittee's obligations to indemnify, protect, defend and hold harmless under the Agreement.

(15) No Recourse. There shall be no recourse against the City or the City Indemnified Parties for payment of premiums, deductibles, self-insured retentions or any other amounts with respect to insurance policies required by these Insurance Requirements, nor shall any policies of insurance require such payment from the City or the City Indemnified Parties.

WIRELESS UTILITY PERMIT
Public Works Department – Engineering Division
Supplemental Conditions of Approval

Authority: This permit is issued pursuant to Chapter 11.20.065.D.1 of the Culver City Municipal Code (CCMC), which governs the permitting, installation, and regulation of personal wireless services facilities in the City's public rights-of-way.

Standards: All work shall be performed in accordance with i) the current edition of the Standard Specifications for Public Works Construction (Greenbook) and any amendments hereto, ii) the *Design and Development Standards for Wireless Facilities* governing placement and modification of wireless facilities adopted pursuant to Chapter 11.20.065.D.1 of the CCMC, and iii) the Standard Conditions of Approval adopted by Resolution of the City Council pursuant to Chapter 11.20.065.H.1 of the CCMC, and iv) other City standards to the satisfaction of the City Engineer.

Certificate of Insurance: Contractors or subcontractors that permittee engages for any or all of the work to be completed by this permit shall have a City business license, liability insurance, automotive insurance and workers compensation insurance. The commercial general liability policy shall be maintained for the term of this permit in an amount not less than five million dollars (\$5,000,000) per occurrence for personal injuries (including accidental death) to any one person, in an amount not less than five million dollars (\$5,000,000) per occurrence for property damage and shall contain a combined single limit in an amount not less than five million dollars (\$5,000,000). The automobile liability policy shall be endorsed for all owned and non-owned vehicles, contain a combined single limit of at least three million dollars (\$3,000,000) per occurrence for personal injuries (including accidental death) to any one person and shall also cover property damage. The limits required of this paragraph may be satisfied with umbrella coverage. The worker's compensation insurance shall be in the statutorily required amount.

In addition to the insurance requirements contained in Section 3.h of Resolution No. 2022-R020, the commercial general liability policy shall contain or be endorsed to include: (i) a provision that this policy is primary to the coverage of the City of Culver City; (ii) a provision that neither the City of Culver City nor any of its insurers shall be required to contribute to any loss; and (iii) a severability of interest clause.

Inspection: At least two (2) working days prior to start of construction or street occupancy, the contractor shall schedule a pre-construction field meeting with the City inspector to discuss construction and/or occupation in the public right-of-way. Contact the Culver City Public Works/Engineering Permit Counter at (310) 253-5600 for initial and any subsequent inspection meeting, including final sign off and approval.

Contractor's License: Applicant performing work in the public right-of-way, including street occupation, shall have the appropriate valid contractor license issued by the State of California. The required license class shall correspond to the specific type of work being performed, i.e. A-General Engineering, C8-Concrete, C36-Plumbing, C42-Sanitation

Systems, etc. Applicant shall present a valid proof of license prior to issuance of any permits.

Permit on Site: A copy of this permit shall be kept at the jobsite at all times and should be available upon the request of any City official, including any law enforcement officer.

Underground Service Alert (Dig Alert): Permittee must notify the Underground Service Alert (USA) at (800) 422-4133 at least 48 hours in advance of start of work for any undergrounding and excavation work in the public right-of-way.

Construction Staging and Traffic Control: Prior to start of construction, construction staging and traffic control requirements (if any) shall be reviewed and approved by the City. All material and work shall conform to the Latest Edition of the California Manual on Uniform Traffic Control Devices (CA MUTCD).

Temporary Bus Stop Relocations: Contact the Transportation Department at least 48 hours prior to affecting existing bus stops (310) 253-6535.

Construction Notification Letter: Permittee shall notify all properties within a 500-foot radius at least fourteen (14) calendar days prior to start of work. Notification letters shall contain the scope of project, proposed driveway or access closures, construction duration, engineering permit number, and the contact information of the Construction Manager and Construction Superintendent. Notice shall be reviewed and approved by the City Engineer or their designee prior to distribution. Failure to distribute said notices at least fourteen calendar days prior to start of work may result in revocation of this permit. NOTE: These Notification letters are separate, apart from and for a different purpose than the notifications which applicants are required to send at the start of our wireless application process.

Emergency/Local Access: Access to fire hydrant(s) shall be maintained at all times and construction equipment is not allowed to be attached to fire hydrant(s). Unless otherwise directed by the Engineer, local and emergency vehicular access shall be maintained through the construction area.

NPDES Requirements: Permittee shall comply with all National Pollutant Discharge Elimination System (NPDES) Permit Regulations and Requirements. All drain inlets shall be protected from construction debris.

Sewer Location: Permittee shall be responsible for determining the horizontal and vertical location of mainline sewers.

Clean up of Right-of-Way: Upon completion of work, all brush, timber, scraps and other construction materials and debris shall be entirely removed and the right-of-way left in a condition satisfactory to the City Engineer.

Repairs in the Public Right-of-Way: Permittee shall promptly make any and all repairs to the existing public right-of-way or utilities that are damaged by performing the work authorized by this permit. All work proposed in the public right-of-way will require a

separate construction plan submittal for review, approval, and issuance of permit by the Engineering Division of the Public Works Department. This repair work shall be completed to the satisfaction of the City Engineer in accordance with current standards.

Storage of Materials: Absolutely no stockpiling of construction materials shall be allowed in the public right-of-way unless otherwise approved and authorized by the City Engineer.

Excavation: All excavations in the public right-of-way shall be backfilled and fully restored within three (3) calendar days unless otherwise authorized by the City Engineer.

Concrete Specification: Unless otherwise specified, all concrete placed for public improvements shall achieve a minimum of 3250 psi compressive strength at 28 days.

Asphalt Concrete Specifications: Unless otherwise specified, all asphalt concrete placed in the public right-of-way shall be a design mix of "PG-C2-64-10".

Performance Bond: Prior to issuance of this permit, the permittee shall file with the City, and shall maintain in good standing throughout the term of the approval, a performance bond in accordance with Section 3.j of Resolution No. 2018-R109.

Permit Duration: This permit shall expire 10 years after its issuance, unless otherwise specified by the City Engineer. If a Light Pole Facility Addendum has been executed in conjunction with issuing this permit, then the term of this permit shall coincide with the term of the Light Pole Facility Addendum.