

ORDINANCE NO. 19-__

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF EMERYVILLE AMENDING ARTICLE 17 OF CHAPTER 5 OF THE PLANNING REGULATIONS AND OTHER ASSOCIATED PROVISIONS OF THE PLANNING REGULATIONS TO MAKE APPROVALS OF WIRELESS COMMUNICATIONS FACILITIES SUBJECT TO THE ZONING COMPLIANCE REVIEW PROCESS

WHEREAS, On September 26, 2018, the Federal Communications Commission (“FCC”) adopted the Declaratory Ruling and Third Report and Order in the *Matter of Accelerating Wireless Broadband Deployment by Removing Barriers to Infrastructure Investment* (FCC 18-133, WT Docket No. 17-79, 85 FR 51867) (the “Ruling”); and

WHEREAS, under the Ruling, local aesthetic standards must be reasonable, no more burdensome than those standards applied to other infrastructure, objective, and published in advance; and

WHEREAS, the Ruling shortens the “shot clock” on small wireless devices, the time by which the local government has to approve or deny an application, to as little as 60 days; and

WHEREAS, in anticipation of the Ruling becoming effective, modifications need to be made to Article 2 of Chapter 3 of Title 9 of the Emeryville Municipal Code and to Article 17 of Chapter 5 of Title 9 of the Emeryville Municipal Code, “Telecommunications Facilities”, to ensure that the City’s regulations are compliant with the Ruling; now, therefore, be it

WHEREAS, the Planning Commission, at duly and properly noticed public hearing on December 13, 2018, recommended that the City Council make amendments to Planning Regulations that apply to Telecommunications Facilities; and

WHEREAS, the City Council held a duly and properly noticed public hearing on January 15, 2019 to consider the proposed amendments to the Telecommunications Facilities regulations; and

WHEREAS, the City Council has reviewed and considered the staff report and attachments thereto, all public comments, and the proposed amendments as set forth in this Ordinance and the applicable provisions of the Emeryville Municipal Code (“the Record”);

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF EMERYVILLE DOES HEREBY ORDAIN AS FOLLOWS:

SECTION ONE. PURPOSE AND INTENT

The purpose and intent of this Ordinance is to amend the Planning Regulations to conform to the Declaratory Ruling and Third Report and Order adopted by the Federal Communications Commission (“FCC”) on September 26, 2018 (“Ruling”) by making approvals of Wireless Communications Facilities subject to the Zoning Compliance Review process.

SECTION TWO. REQUIRED FINDINGS FOR ADOPTING ORDINANCE

The City Council of the City of Emeryville makes the following findings as required by Emeryville Municipal Code Sections 9-7.1305:

- (a) The proposed amendment is consistent with the General Plan.

The General Plan contains no provisions on Wireless Telecommunication Facilities, nor provisions that explicitly identify uses that should be allowed by right and those that should be conditionally permitted in any zoning district or area of the City. The proposed amendments seek to be in compliance with the FCC Ruling to make approval of telecommunications facilities subject only to a zoning compliance action instead of a discretionary action.

- (b) That the proposed amendment is necessary for public health, safety, and general welfare or will of benefit to the public;

The amendment only changes the City's permitting action for telecommunications facilities that are already permitted in certain zoning districts. They do not significantly change any standards for such facilities nor do they change the locations where they are permitted. Therefore, the proposed amendments will preserve the public health, safety, and general welfare of the community.

- (c) That the proposed amendment has been reviewed in compliance with the requirements of the California Environmental Quality Act.

The proposed amendments to the Planning Regulations do not involve a change in zoning districts where telecommunications facilities are permitted nor do they modify standards for their approval. Therefore, the proposal is exempt from exempt from environmental review under State CEQA Guidelines Section 15311, which applies to accessory structures; Section 15303, which applies to construction of new, small facilities and the conversion of existing small structures from one use to another; and the "general rule" at Section 15061(b)(3) because it can be seen with certainty that there is no possibility that the proposal may have a significant effect on the environment.

- (d) For a change to the Zoning Maps, that the subject property is suitable for the uses permitted in the proposed zone in terms of access, size of parcel, relationship to similar or related uses, and other relevant considerations, and that the proposed change of zoning district is not detrimental to the use of adjacent properties.

No changes to the Zoning Maps are proposed.

SECTION THREE. AMENDING ARTICLE 17, “TELECOMMUNICATIONS FACILITIES” OF CHAPTER 5 OF TITLE 9 OF THE EMERYVILLE MUNICIPAL CODE.

Article 17 of Chapter 5 of Title 9 of the Emeryville Municipal Code is hereby amended to read as follows (changes are denoted by ~~striketrough type~~ for language that is deleted and double underlined type for new language):

Chapter 5. Citywide Use and Development Regulations

Article 17. Telecommunication Facilities

9-5.1701 Purpose.

This Article provides standards and procedures to regulate the development, siting, installation, and operation of wireless communications facilities, consistent with the applicable requirements of state and federal law. The regulations are intended to provide for the appropriate development of wireless communications facilities within the City to meet the needs of residents, business-owners, and visitors, while protecting public health and safety and preventing visual blight and degradation of the community’s aesthetic character, consistent with the General Plan.

9-5.1702 Applicability and Exemptions.

The requirements of this Article apply to all Wireless Communication Facilities as defined in Sections 9-2.603 and 9-5.1708.

~~(a) **Principal Use.** A Wireless Communications Facility that includes a transmission tower shall be considered a principal use and is subject to the provisions of Section 9-3.202.~~

~~(b) **Accessory Use.** A Wireless Communications Facility that includes wireless communications antennas and related equipment shall be considered an accessory use and is subject to the Development Requirements and Standards in Section 9-5.1705 below.~~

~~(c)~~(a) **Exemptions.** The following accessory facilities are exempt from this Article:

- (1) Licensed amateur (ham) radio, citizen band operations and emergency services radio.
- (2) Hand-held, mobile, marine, and portable radio transmitters and/or receivers.
- (3) Radio and television mobile broadcast facilities.
- (4) Communication equipment and storage devices, such as computer servers, in cabinets or rooms completely located inside of permitted structures.
- (5) A single ground or building-mounted receive-only radio, television or wireless cable antenna not exceeding the maximum height permitted by Article 2 of Chapter 4, including any mast, or a receive-only radio or

television satellite dish antenna, subject to the following restrictions in residential districts:

- a. Satellite Dish One Meter or Less. A satellite dish that does not exceed one meter in diameter and is for the sole use of a resident is permitted anywhere on a lot in a residential district so long as it does not exceed the height of the ridgeline of the primary structure on the lot.
 - b. Antennas. An antenna that is mounted on any existing building or other structure that does not exceed 25 feet in height is permitted. The antenna must be for the sole use of a resident living on the lot on which the antenna is located.
- (6) Any Wireless Communications Facility that is exempt from local regulation pursuant to the rules and regulations of the Federal Communications Commission (FCC) or a permit issued by the California Public Utilities Commission (CPUC). The owner or operator of such Facility shall provide the Director with a copy of a current FCC or CPUC permit or a copy of applicable FCC regulations prior to its installation.
- (7) Minor modifications to existing Wireless Communications Facility, including replacement in-kind or with smaller or less visible equipment, that meet the standards set forth in this Article and will have little or no change in the visual appearance of the Facility.

9-5.1703 Application Requirements Approval Procedure.

(a) **Zoning Compliance Review.** A proposal for a Wireless Communications Facility shall be reviewed by the Community Development Director, in consultation with the Chief Building Official, Fire Marshall and Public Works Director, for conformance with the provisions of this Article pursuant to the zoning compliance review procedures in Article 3 of Chapter 7. If, after the receipt of a complete application, the Community Development Director determines that the proposal conforms to the requirements of this Article, a zoning compliance approval shall be issued within the time frames set in the applicable federal and/or state law, less ten calendar days. If the Community Development Director determines that the application does not conform to the requirements of this Article, a zoning compliance approval shall not be issued, and the applicant shall be advised as to how the proposal could be brought into compliance. The Community Development Director's determination of compliance or non-compliance may be appealed to a hearing officer pursuant to Section 9-5.1703(c).

(b) **Waiver of Regulations.** If 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, applicant may request a waiver of the applicable provision or requirement it contends would cause such violation. The application must provide all information on which the applicant relies in support of that claim. Applicants are not permitted to supplement this showing if doing so would prevent the City from complying with any timeframe for action on an application. The

Community Development Director may grant or deny a request for a waiver pursuant to this subsection. The Community Development 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 granted 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 this Article and other applicable City regulations. The Community Development Director's granting or denial of a waiver may be appealed to a hearing officer pursuant to Section 9-5.1703(c).

- (c) **Review of Community Development Director's Determination.** The applicant, the owner of the property, or any person aggrieved by the determination may appeal the Community Development Director's determination made under either subsection (b) or (c) of Section 9-5.1703 to a hearing officer appointed by the City Manager by filing an appeal with the City Clerk within three days of notice of the Community Development Director's determination. In the event that the appeal period ends on a Saturday, Sunday or City holiday, the appeal period shall end at the closed of business on the next City business day. The timely filing of an appeal shall stay all proceedings in the matter appealed, including but not limited to, the issuance of building permits and business licenses. The appeal shall identify the determination being appealed, shall clearly and concisely state the reasons for the appeal, and include any relevant evidence or legal argument. When reviewing a determination on appeal, the hearing officer shall use the same standards for decision-making required for the original decision. The hearing officer may re-affirm, modify or reject the original determination. The hearing officer's decision is final, subject only to judicial review. The hearing officer shall render his or her decision so that the final decision is issued within the time frames set in the applicable federal and/or state law.

9-5. 1704 Application Requirements.

An applicant shall file a written application pursuant to the application procedures in Article 2 of Chapter 7 and any specific application requirements established by the Director for this use.

- (a) **Co-location.** The applicant and owner of any site on which a Wireless Communications Facility is located shall cooperate and exercise good faith in co-locating other Wireless Communications Facilities on the same support structures, and if not feasible, on other existing infrastructure. Good faith shall include sharing technical information to evaluate the feasibility of co-location, and negotiations for erection of a replacement support structure to accommodate co-location. A competitive conflict to co-location, concern regarding return on investment, or financial burden caused by sharing information, or other non-technical concerns normally will not be considered as an excuse to the duty of good faith. In the event a dispute arises as to whether a permittee has exercised good faith in

~~accommodating other users, the City may require the applicant to obtain a third party technical study at applicant's expense.~~

- (1) All Wireless Communications Facilities shall make available unused space for co-location of other Wireless Communications Facilities, including space for these entities providing similar, competing services.
 - (2) All co-located and multiple-user Wireless Communications Facilities shall be designed to promote facility and site sharing. Telecommunication towers and necessary appurtenances, including but not limited to parking areas, access roads, utilities and equipment buildings, shall be shared by site users whenever possible.
 - (3) No co-location is required where it can be shown that the shared use would or does result in significant interference in the broadcast or reception capabilities of the existing Wireless Communications Facilities or failure of the existing facilities to meet federal standards for emissions or cause the host to go offline for a significant period of time.
 - (4) Failure to comply with co-location requirements when feasible or cooperate in good faith as provided for in this subsection is grounds for denial of a permit request or revocation of an existing permit.
- (b) If an applicant proposes a Wireless Communications Facility which is not co-located with an existing Wireless Communications Facility, the applicant shall provide an inventory of existing Wireless Communications Facilities within a quarter mile of the proposed site, including area which falls in a neighboring jurisdiction, and the applicant shall also provide an explanation as to why the proposed Wireless Communications Facility cannot be co-located with an existing Facility.
- (c) In addition to any other requirements, all Wireless Communications Facilities applications shall, at a minimum, include the following information:
- (1) **Report on Alternatives.** A report explaining why the Wireless Communications Facility is needed at the requested location. Any applicant seeking to construct a new transmission tower shall explain why co-location or location on another kind of support structure is not feasible, including efforts made to develop such an alternative. If the City has requested that the applicant co-locate its Wireless Communication Facility on a site, the applicant shall explain why co-location is not feasible.
 - (2) **Wireless Communications Facility Plans.** Plans shall include a fully dimensioned diagram of the proposed Wireless Communications Facility, including height, shape, size and type of construction. Plans for a transmission tower must include information demonstrating that the structure will be able to accommodate at least one other similar telecommunication provider. A diagram showing the separation between the proposed Wireless Communications Facility and any existing Facility or

~~Facilities~~ facility or facilities on the same support structure or site is required if co-location is planned.

- (3) **Site Plans.** A fully-dimensioned site/landscaping plan that includes: specific placement of the proposed tower, equipment shelters, and any other Wireless Telecommunication Facility on the site; elevation drawings; setbacks from lot lines; the location of existing structures, trees, and other significant site features; notation of those features proposed to be removed; the type and locations of plant materials proposed to screen the facility; and the proposed materials and colors for the Facility.
- (4) **Visual Analysis.** Photo-simulations showing views of the proposed Wireless Communications Facility from surrounding residential properties and public rights-of-way at varying distances with a map indicating the locations used for the analysis and their distances from the site.
- (5) **Documentation of Compliance.** Copies of all applicable licenses or other approvals required by the FCC and any other agency with authority to regulate Wireless Communications Facilities, including documentation of compliance with all conditions imposed in conjunction with such licenses or approvals, shall be provided. If these do not include an estimate of the anticipated radio frequency emissions, the applicant shall provide this separately.
- (6) **Gap in Coverage.** The applicant shall provide evidence to establish that the proposed Wireless Communications Facility is necessary to fill a gap in coverage. This requirement shall not apply to the extent the applicant demonstrates it is preempted by federal law or state law.
- (7) **Owner's Permission.** If the applicant is not the owner of the property, the applicant shall furnish evidence of the property owner's permission to install, construct and maintain the proposed Wireless Communication Facility. For Wireless Communication Facilities proposed to be located in the public right of way or on other City property located in the public right of way, the applicant shall submit a copy of the applicable City standard encroachment agreement signed by the applicant.

~~9-5.1704~~ — Review of Telecommunications Facilities.

~~A non-exempt Wireless Communications Facility shall not be established, expanded, or otherwise modified except in conformance with this Article. Non-exempt facilities are subject to design review and/or conditional use permit, pursuant to the procedures in Chapter 7, as follows:~~

- ~~(a) — Wireless Communications Antennas in the RM Medium Density Residential zone may only be approved with a conditional use permit and are subject to design~~

~~review. To grant such a conditional use permit, the following finding must be made in addition to the findings required by Article 5 of Chapter 7:~~

- ~~(1) That the antenna is necessary to fill a gap in coverage.~~
- ~~(b) Wireless Communications Antennas not in the RM Medium Density Residential zone are subject to major design review unless the antennas and all associated equipment are completely hidden from public view.~~
- ~~(c) Wireless Communications Antennas in the public right of way may only be approved with a conditional use permit, design review, and an encroachment agreement pursuant to Chapter 2 of Title 7.~~
- ~~(d) Wireless Communications Facilities which include a freestanding pole or transmission tower may only be approved with a conditional use permit and design review, and only in the INL Light Industrial, INH Heavy Industrial, and P Public zoning districts.~~

9-5.1705 Development Requirements and Standards.

All Wireless Communications Facilities shall be located, developed, and operated in compliance with all of the following standards and with applicable standards of the zoning district in which they are located.

(a) Location and Siting.

- (1) No new transmission tower shall be located within 1,000 feet of an existing transmission tower, including existing transmission towers which are in other jurisdictions.
- (2) Pursuant to Section 6409 of the federal Middle Class Tax Relief and Job Creation Act of 2012, any modification of a transmission tower which does not “substantially change” the tower is permitted.
- (3) All Wireless Communications Facilities shall meet the building setback standards of the district in which they are proposed to be located.
- (4) Wireless Communications Facilities and equipment located in the public right-of-way shall be located, constructed, installed, and maintained in compliance with the applicable requirements of Title 7 and the following standards:
 - a. Wireless Communications Facilities shall only be installed where they will not interfere with existing or future City uses of the right-of-way, the rights of private property owners, other utility fixtures and services, water hydrants or mains, wastewater stations, traffic control systems, or any other service or facility that benefits the City or its residents.
 - b. Wireless Communications Facilities shall be installed within existing underground ducts or conduits whenever such ducts, conduits, manholes or other facilities have volume or capacity that is available or will be available for third party facilities. Utility boxes, power units, and similar fixtures shall be installed completely underground, unless the Public Works Director finds that undergrounding would result in

- maintenance and operation problems that would interfere with service.
- c. Overhead components of Wireless Communications Facilities ~~facilities may~~ must be installed on existing utility poles if available, or replacement poles if the new pole has the same or better appearance than the existing pole.
 - d. Overhead components of Wireless Communications Facilities shall match the color of the pole or other structure to which they are attached.
 - d.e. Overhead components of Wireless Communications Facilities ~~facilities~~ shall not be installed where a project has been implemented to remove existing overhead facilities.
 - e.f. Pedestals, amplifier units, equipment cabinets, and similar above ground installations shall, where feasible, be located at least six inches from any sidewalk and two feet from driveway and curb edges. They shall not be placed in front of the primary entrance to a residence or retail business or at any other location where they would unduly interfere with the operation of a business, including blocking views of the entrance or display windows.
 - g. Prior to beginning any work in the public right of way, the applicant shall obtain an encroachment permit. Prior to issuance of any encroachment permit to install the proposed Wireless Communication Facility, the applicant and the City must execute the applicable, City standard encroachment agreement. Applicant must have a valid encroachment agreement consistent with Chapter 2 of Title 7 of the Emeryville Municipal Code at all times the Wireless Communications Facility is in the public right of way.
 - h. Applicant shall be deemed responsible for any damage to public improvements that occurs during the construction of the proposed Wireless Communications Facility, and shall repair such damage at its expense and to the satisfaction of the Public Works Director, including but not limited to, sidewalk repair, street slurry seal or street reconstruction.

(b) **Height Requirements.**

- (1) **Wireless Communications Antennas on Buildings.** See Article 2 of Chapter 4 for requirements regulating building height and projections above the top of buildings.
- (2) **Other Wireless Communications Facilities.** A free-standing Wireless Communications Facility shall not exceed the height limit of the district in which it is located. When a Wireless Communications Antenna is mounted on a structure which is not a building it shall not exceed the height of the structure unless camouflaged as part of the structure design, nor shall it exceed the height limit of the district in which the structure is located.

- (c) **Design and Screening.** Wireless Communications Facilities shall be located, designed and screened to blend with the existing natural or built surroundings, as well as any existing support structures, so as to reduce visual impacts to the extent feasible. ~~All Facilities, except for equipment within existing buildings, are subject to design review.~~ Equipment cabinets shall be located within the building upon which antennae are placed, if technically feasible. Otherwise, equipment cabinets, and associated equipment such as air conditioning units and emergency generators, shall be screened from view by a wall or landscaping, as approved by the Director.
- (d) **Performance Standards.** Wireless Communications Facilities shall comply with the performance standards listed in Article 11 of this Chapter, including but not limited to noise standards.
- (e) **Additional Regulations.** The Community Development Director is authorized to adopt regulations to implement the development requirements and standards set forth in this Article. Wireless Communications Facilities shall comply with these additional regulations at all times.

9-5.1706 Post-Installation Verification and Monitoring.

Post-installation verification and monitoring by qualified and objective third-party experts shall be required as follows:

- (a) **Validation of Proper Operation.** Within forty-five days of commencement of operations, the permittee shall provide verification that the radio frequency levels comply with FCC regulation and that all equipment complies with City noise regulations.
- (b) **Review Following One Year.** The permittee shall report to the City a measurement of radio frequency emissions one year from the date of commencement of operation. Thereafter, such a report shall be available upon request by the City.

9-5.1707 Discontinuance of Use.

- (a) ~~As a condition of approval~~ Prior to the issuance of a building permit, an applicant for a building permit to erect or install a Wireless Communications Facility shall be required to post a cash or surety bond in a form and amount acceptable to the Director to cover removal costs of the Wireless Communications Facility in the event that its use is abandoned or the approval is otherwise terminated.
- (b) The service provider shall notify the Director of the intent to vacate a site at least thirty days prior to the vacation. The permit for any Wireless Communications Facility that is not operated for a continuous period of twelve months shall be deemed lapsed and the site will be considered abandoned unless:

- (1) The Director has determined that the same operator resumed operation within six months of the notice; or
 - (2) The City has received an application to transfer the permit to another service provider.
- (c) No later than ninety days from the date the use is discontinued or the provider has notified the Director of the intent to vacate the site, the owner of the abandoned Wireless Communications Facility or the owner of the property on which the Facility is sited shall remove all equipment and improvements associated with the use and shall restore the site to its original condition. The owner may use any bond or other assurances provided by the operator to do so. The owner or his agent shall provide written verification of the removal of the Facility within thirty days of the date the removal is completed.
- (d) If the Wireless Communications Facility is not removed within thirty days after the permit has lapsed, the site shall be deemed to be a nuisance, and the Director may cause the Facility to be removed at the owner's expense or by calling any bond or other financial assurance to pay for removal. If there are two or more users of a single transmission tower, then this provision shall apply to the abandoned Facility but not become effective for the tower until all users cease using the tower.

9-5.1708 Definitions.

As used in this Article:

- (a) "Co-location" means the location of two or more Wireless Communications Facilities on a single support structure or otherwise sharing a common location. For the purposes of this Article, co-location shall also include the location of Wireless Communications Facilities with other facilities such as water tanks, light standards, and other utility facilities and structures.
- (b) "Wireless Communications Antenna" means the physical device through which electromagnetic, wireless telecommunications signals authorized by the Federal Communications Commission are transmitted or received. It includes antennas and related equipment which may include cable, conduit and connectors, equipment pads, shelters and cabinets, and access ladders. Antennas used by amateur radio operators are excluded from this definition.
- (c) "Wireless Communications Facility" is a facility containing equipment for the transmitting or receiving of electromagnetic radio frequency waves. It may include wireless communications antennas as define above and may also include the pole or tower on which equipment is mounted.

SECTION FOUR. AMENDING TABLE 9-3.202 IN ARTICLE 2 OF CHAPTER 3 OF TITLE 9 OF THE EMERYVILLE MUNICIPAL CODE

Table 9-3.202 of Chapter 3 (“Zoning Districts”) of Title 9 of the Emeryville Municipal Code is hereby amended to read as follows (changes are denoted by ~~strikethrough type~~ for language that is deleted and double underlined type for new language):

Chapter 3. Zoning Districts

Article 2. Uses Permitted, Conditionally Permitted, and Prohibited

9-3.202 Uses Permitted, Conditionally Permitted and Prohibited.

Table 9-3.202: Uses Permitted, Conditionally Permitted, and Prohibited.

	Base Zones															Overlay Zones			
Use Classifications	RM	RMH	RH	MUR	MURS	MUN	OT	OT/DH	INL	INH	P	M	PO	SM	UT	PA	NR	RR	TH
Communication, Transportation, and Utilities																			
Communication Facilities																			
<i>Transmission Towers</i>	X	X	X	X	X	X	X	X	<u>CP</u>	<u>CP</u>	<u>CP</u>	X	X	X	X				
<i>Equipment within Buildings</i>	X	X	X	X	X	<u>CP</u>	P	<u>CP</u>	P	P	X	X	X	X	X		X		

SECTION FIVE. CEQA DETERMINATION

The City Council finds and determines that this Ordinance finds that this amendment to the Planning Regulations is exempt from environmental review under State CEQA Guidelines Section 15311, which applies to accessory structures; Section 15303, which applies to construction of new, small facilities and the conversion of existing small structures from one use to another; and the “general rule” at Section 15061(b)(3) because it can be seen with certainty that there is no possibility that the proposal may have a significant effect on the environment.

SECTION SIX. SEVERABILITY

The City Council hereby declares that every section, paragraph, clause and phrase of this Ordinance is severable. If, for any reason, any section, paragraph, clause and phrase is held to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the validity or constitutionality of the remaining sections, paragraphs, clauses or phrases.

SECTION SEVEN. CODIFICATION

Sections Three and Four of this Ordinance shall be codified in the Emeryville Municipal Code. Sections One, Two, Five, Six, Seven and Eight shall not be codified.

SECTION EIGHT. EFFECTIVE DATE AND POSTING

This Ordinance shall take effect 30 days following its final passage. The City Clerk is directed to cause copies of this Ordinance to be posted or published as required by Government Code Section 33693.

This Ordinance was introduced and first read by the City Council of the City of Emeryville at a regular meeting on Tuesday, January 15, 2019 and **PASSED AND ADOPTED** by the City Council at a regular meeting on Tuesday February 5, 2019 by the following votes:

AYES: _____
NOES: _____
ABSTAIN: _____
ABSENT: _____

MAYOR

ATTEST:

APPROVED AS TO FORM:



CITY CLERK

CITY ATTORNEY