

ORDINANCE NO. 1828

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LA HABRA APPROVING ZONE CHANGE 20-05 FOR AMENDMENTS TO TITLE 18 (“ZONING”), CHAPTER 18.62 (“WIRELESS COMMUNICATION FACILITIES”), TO THE LA HABRA MUNICIPAL CODE (LHMC), AS PER EXHIBIT “A”

WHEREAS, unprecedented wildfires are forcing California to develop new strategies to preserve public safety and welfare. One strategy is a proactive Public Safety Power Shutoff. In October 2019, three of the largest electric utilities implemented power shutoffs affecting more than 2,000,000 Californians; and

WHEREAS, shutoffs interrupted commercial power to wireless infrastructure, resulting in some consumers losing access to communications services. In response, wireless providers have developed backup power solutions to ensure networks remain operational during power shutoffs; and

WHEREAS, in March 2019, Governor Gavin Newsom issued a proclamation of emergency in response to the wildfire threat, which waived permitting barriers to critical forest management projects. This act also creates exemptions for public safety actions; and

WHEREAS, enabling the rapid deployment of emergency standby generators is vital for public safety to help ensure consumers maintain access to 911 services, wireless emergency alerts, and other public safety communications. Fragmented and lengthy permitting requirements could delay these public safety deployments by many months and in some cases could prevent them altogether; and

WHEREAS, on September 29, 2020, Governor Newsom approved Assembly Bill 2421 requiring all cities, including charter cities, to establish a ministerial process to authorize emergency standby generators for macro cell tower sites; and

WHEREAS, it is in the best interest of the public to establish and update reasonable standards relating to permitting emergency standby generators for wireless facilities on private property in the City;

The City Council of the City of La Habra does hereby ordain as follows:

Section 1. The City Council does hereby find and determine that:

- a. All the facts, findings, and conclusions set forth above in this Ordinance are true and correct.
- b. City staff has initiated Zone Change 20-05 for amendments to Title 18 Zoning, Chapter 18.62 Wireless Communications Facilities consistent with Assembly Bill 2421.

- c. This project was reviewed pursuant to the guidelines of the California Environmental Quality Act (CEQA) and determined to be Exempt pursuant to Section 15061(b)(3) of the California Environmental Quality Act Guidelines which covers activities with no possibility of having a significant effect on the environment.
- d. This project is exempt from the requirements of the City's National Pollutant Discharge Elimination System (NPDES) since the proposal does not entail any actual construction.
- e. The Planning Commission held a noticed public hearing on December 14, 2020 to consider Zone Change 20-05 for amendments to Title 18 Zoning, Chapter 18.62 of the La Habra Municipal Code. The Planning Commission, after considering all the written and oral evidence offered including the staff report and all attachments, recommended that the City Council approve the code amendments.
- f. The City Council held a duly noticed public hearing on January 19, 2021 to consider the request for Zone Change 20-05 for amendments to Title 18 Zoning, Chapter 18.62 of the La Habra Municipal Code. The City Council, after considering all the written and oral evidence offered including the staff report and all attachments along with the Planning Commission's recommendation, approves the code amendments.

Section 2. Based upon the foregoing, the City Council of the City of La Habra does approve an Ordinance adopting Zone Change 20-05 for amendments to Title 18 Zoning, Chapter 18.62 of the La Habra Municipal Code, attached hereto as Exhibit A.

PASSED, APPROVED AND ADOPTED this 1st day of February, 2021.

Rose Espinoza, Mayor

Attest:

Laurie Swindell, CMC
City Clerk

STATE OF CALIFORNIA)
COUNTY OF ORANGE) SS.
CITY OF LA HABRA)

I, Laurie Swindell, City Clerk of the City of La Habra, do hereby certify that the above and foregoing is a true and correct copy of Ordinance No. 1828 introduced at a regular meeting of the City Council of the City of La Habra held on the 19th day of January 2021, and was thereafter adopted at a regular meeting held on the 1st of February, 2021, by the following vote:

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

Said ordinance has been published or posted pursuant to law.

Witness my hand and the official seal of the City of La Habra this 1st day of February, 2021.

Laurie Swindell, CMC
City Clerk