



Supplemental Council Agenda Report

Special Meeting
12-09-20

**Item
1.A.**

To: Mayor Pierson and the Honorable Members of the City Council

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Date prepared: December 8, 2020 Meeting date: December 9, 2020

Subject: Consider Urgency Ordinance, and Introduction of Ordinance, Regulating the Permitting of Wireless Facilities in Public Rights-of-Way and Finding the Same Exempt from the California Environmental Quality Act; and Adoption of Resolution Establishing Design and Development Standards and Standard Permit Conditions for Wireless Facilities in Public Rights-of-Way

This supplements the agenda report published Friday, December 4, 2020.

UPDATE

As previously discussed, this agenda item does not address the entirety of regulating wireless facilities. The City cannot make changes to the current ordinance dealing with wireless facilities at this special meeting because there are required procedures to amend the zoning ordinance and LCP. The more comprehensive amendment is underway. The City also cannot adopt ordinances that conflict with the current rules.

The proposed enabling ordinances and the design standards set forth in the resolution are designed to meet these limitations. They do this by focusing exclusively on facilities installed in the right-of-way and by being more restrictive than (but not inconsistent with) the existing regulations.

The Council was presented with a comprehensive ordinance prepared by Texas Attorney Scott McCullough in conjunction with a group of residents that are advocating for tighter regulations of wireless facilities. In preparing the proposed ordinance, the City Attorney's Office and Planning staff drew extensively from the portions of that draft

that are relevant to this effort (ROW regulations). Staff and the City Attorney's Office consulted with Mr. McCullough before and since the agenda was published.

On behalf of his clients, he has proposed a number of changes. Staff has analyzed the proposed changes and will meet again with him. Staff's objective is to narrow the points of concern.

Consequently, the City Attorney's Office will present a detailed oral report to explain the proposals and the basis for the recommendations. Redlined ordinances and resolution will be posted on the City's website as soon they are complete. These redlined changes are largely the product of the consultations with the lawyer for the residents-advocates.

The central goal of this urgency ordinance and resolution is to ensure that fulsome design standards are in place as soon as possible to address the installations in the right-of-way, which is the immediate concern facing the City, especially over the next few months.

The more comprehensive ordinance revisions are scheduled to be taken up the Planning Commission starting in January. That process begins with a special meeting to gather community input on December 16, 2020. It is through that process that the final and global wireless facility requirements will be put in place.

ATTACHMENTS: None.