



City of Santa Barbara California

CITY OF SANTA BARBARA PLANNING COMMISSION

RESOLUTION NO. 016-16

CITYWIDE

RECOMMENDATION TO CITY COUNCIL – WIRELESS COMMUNICATIONS FACILITIES ORDINANCE

JUNE 16, 2016 2016

WIRELESS FACILITIES ORDINANCE (DELETING SBMC §28.94.030.DD AND ADDING CHAPTER 28.74 TO TITLE 28 OF THE SBMC)

The purpose of this public hearing was for the Planning Commission to review and make recommendations to the City Council regarding Municipal Code Amendments related to the regulation of Wireless Communication Facilities.

The new ordinance proposes to delete Santa Barbara Municipal Code Section 28.94.030.DD and add a new Chapter 28.74 in Title 28 of the Santa Barbara Municipal Code to include the following (partial list):

- City requirements for a revised review process for the various types of wireless telecommunications facilities applications;
- Development standards and guidelines for new facilities and substantial changes to existing facilities;
- Specifies the types of wireless telecommunications facilities that are allowed to propose certain types of collocation facilities;
- Responds to FCC Rules Implementing Section 6409(a) of the Middle Class Tax Relief and Job Creation Act of 2012;
- Lists aesthetic and concealment design requirements and preferences for wireless telecommunications facilities;
- Establishes required findings of approval for some wireless facilities that may require a Conditional Use Permit; and
- Allows for an administrative review process for certain wireless facility improvement projects.

The Planning Commission recommendations will be forwarded to the City Council for adoption later this year.

The proposed ordinance is exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to CEQA Guideline Sections 15061, 15301, 15302, and 15305 because the ordinance merely establishes a comprehensive permitting scheme.

WHEREAS, the Planning Commission has held the required public hearing on the ordinance amendment.

WHEREAS, no one appeared to speak in favor of the ordinance amendment, and 5 people appeared to speak in opposition thereto or with concerns, and the following exhibits were presented for the record:

1. Staff Report with Attachments, June 3, 2016.
2. Site Plans
3. Correspondence received in opposition to the ordinance amendment, or with concerns:
 - a. Timothy Mahoney, SoCalGas
 - b. Paul B. Albrighton, Mackenzie & Albritton, LLP, for Verizon Wireless (2 letters)

c. Rienk Ayers, Chameleon, via email

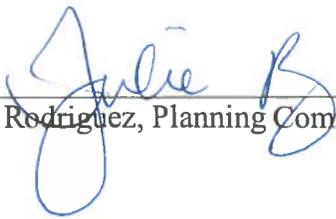
NOW, THEREFORE BE IT RESOLVED that the City Planning Commission:

- I. Recommend that City Council adopt the amendments to the Wireless Facilities Ordinance that would delete Santa Barbara Municipal Code Section 28.94.030.DD and add a new Chapter 28.74 in Title 28 of the Santa Barbara Municipal Code, as outlined in the Staff Report, dated June 3, 2016
- II. Said recommendation is subject to the following revisions:
 1. The ordinance include an exemption in section 28.74.020 Applicability for Southern California Cal Gas.
 2. That section 28.74.030 (B) (3) be revised to state that the City owned and operated facilities could be exempt from permits, except for review and comment by a design review board.
 3. Clarify in the ordinance, that Design Review boards have the authority to choose the requirement of the undergrounding of equipment.
 4. Clarify the definition of Right-of-Way.
 5. Revise title of section 28.74.060 (A) from “Preferred Design” to “Preferred Siting”.

This motion was passed and adopted on the 16th day of June, 2016 by the Planning Commission of the City of Santa Barbara, by the following vote:

Ayes: 3 Noes: 1 (Jordan) Abstain: 0 Absent: 3 (Higgins, Lodge, Thompson)

I hereby certify that this Resolution correctly reflects the action taken by the city of Santa Barbara Planning Commission at its meeting of the above date.



Julie Rodriguez, Planning Commission Secretary



Date