



Planning Commission Agenda Report



FROM: Kimberly Cole, AICP, Community Development Director

SUBJECT: Consider Recommending an Ordinance to the City Council Repealing and Replacing City Code Chapter 38 Article 17 Section 112.4 Related to Wireless Communication Facilities Exempt from CEQA (Article 19, Sections 15305 and 15308, Classes 5 and 8)

RECOMMENDATION:

That the Planning Commission adopt a resolution recommending an Ordinance to the City Council repealing and replacing City Code Chapter 38, Article 17 Section 112.4 related to wireless communication facilities and recommending a finding that same is exempt from CEQA.

ENVIRONMENTAL DETERMINATION:

The City of Monterey Planning Office determined the project is exempt from the California Environmental Quality Act (CEQA) Guidelines (Article 19, Section 15305, Class 5) because the project consists of a zoning ordinance amendment to modify existing regulations affecting wireless communication facilities, which would not result in any changes in density or traffic patterns. Additionally, the project is exempt from CEQA pursuant to CEQA Guidelines section 15308 (Class 8) as an action taken by a regulatory agency to assure the enhancement and protection of the environment, which includes the visual environment of the City.

Furthermore, the project does not qualify for any of the exceptions to the categorical exemptions found at CEQA Guidelines Section 15300.2.

Exception a - Location. Classes 3, 4, 5, 6, and 11 are qualified by consideration of where the project is to be located - a project that is ordinarily insignificant in its impact on the environment may in a particularly sensitive environment be significant. Therefore, these classes are considered to apply in all instances, except where the project may impact an environmental resource of hazardous or critical concern where designated, precisely mapped, and officially adopted pursuant to law by federal, state, or local agencies. The environment is not particularly sensitive because the project is purely a zoning ordinance amendment. Therefore, impacts would not occur. Any subsequent discretionary projects resulting from this action will be assessed for CEQA applicability.

Exception b - Cumulative Impact. All exemptions for these classes are inapplicable when the cumulative impact of successive projects of the same type in the same place, over time is significant. No cumulative impact would occur because the project is purely a zoning ordinance amendment that would regulate the visual appearance of communications structures in the City right-of-way with uniform, objective standards. Therefore, cumulative impacts would not occur. Any subsequent discretionary projects resulting from this action will be assessed for CEQA applicability.

Exception c - Significant Effect. A categorical exemption shall not be used for an activity where there is a reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances. There are no unusual circumstances with this project because the project is purely a zoning ordinance amendment and the land use limitations imposed by the amendment are commonplace under Class 5 and Class 8 categorical exemptions. Therefore, significant impacts would not occur. Any subsequent discretionary projects resulting from this action will be assessed on a project-by-project basis for CEQA applicability.

Exception d - Scenic Highways. A categorical exemption shall not be used for a project which may result in damage to scenic resources, including but not limited to, trees, historic buildings, rock outcroppings, or similar resources, within a highway officially designated as a state scenic highway. This does not apply to improvements which are required as mitigation by an adopted negative declaration or certified Environmental Impact Report (EIR). The project is purely a zoning ordinance amendment, which would not damage scenic resources, but rather, assure their protection. Any subsequent discretionary projects resulting from this action will be assessed for CEQA applicability.

Exception e - Hazardous Waste Sites. A categorical exemption shall not be used for a project located on a site which is included on any list compiled pursuant to Section 65962.5 of the Government Code. The project is purely a zoning ordinance amendment regulating the visual effect of communications structures. Therefore, impacts to hazardous waste sites would not occur. Any subsequent discretionary projects resulting from this action will be assessed for CEQA applicability.

Exception f - Historical Resources. A categorical exemption shall not be used for a project which may cause a substantial adverse change in the significance of a historical resource. The project is purely a zoning ordinance amendment that would regulate the visual effect of communications structures in the City, and not any historic resources. Therefore, impacts to historic resources would not occur. Any subsequent discretionary projects resulting from this action will be assessed for CEQA applicability.

ALTERNATIVES CONSIDERED:

The purpose of the meeting is to review proposed amendments to the City Code regarding wireless communication facilities. The Planning Commission could choose not to recommend these amendments to the City Council or recommend modifications to the draft ordinance.

DISCUSSION:

In April 2022, the Planning Commission hosted the first public hearing on the text of the proposed wireless ordinance culminating two years of public meetings on the topic. During and after the April Planning Commission meeting, the City received public comments and letters on the proposed ordinance. The Planning Commission minutes that provide a detailed accounting of the Commission and public comments on the draft are attached. The City has also received numerous letters with additional input that are attached to this staff report.

Staff has carefully reviewed all the input submitted and recommends some modifications to the draft reviewed by the Commission based on the input received (see underline text). Staff

believes this ordinance is protective of City's values such as aesthetics, safety, and public participation, yet legally defensible and manageable to administer.

In summary, the ordinance provides a comprehensive permitting process for wireless communication facilities. Staff recommends the Planning Commission adopt a resolution recommending an Ordinance to the City Council repealing and replacing City Code Chapter 38, Article 17 Section 112.4 related to wireless communication facilities as provided in Attachment 1.

- Attachments:
1. Draft Resolution and Exhibit A: Ordinance
 2. Ordinance with Strikeout/Underline Changes
 3. Planning Commission Minutes (Excerpt), April 26, 2022
 4. Public Comments

- e:
- All Neighborhood and Business Associations
 - Wireless Interest List
 - Former Wireless Subcommittee Members
 - Verizon
 - AT&T
 - Comcast
 - T Mobile
 - Dish Wireless
 - Qualtek Wireless
 - Jean Rasch
 - Nina Beety
 - Susan Nine
 - Hans Jannasch
 - Pat Venza