RESOLUTION NO. __

Date: April 26, 2022

Item No: 3

A RESOLUTION OF THE PLANNING COMMISSION

RECOMMENDING CITY COUNCIL ADOPTION OF AN ORDINANCE AMENDING MONTEREY CITY CODE CHAPTER 38, ARTICLE 17, SECTION 112.4 – WIRELESS COMMUNICATIONS FACILITIES

WHEREAS, the City of Monterey currently regulates the placement, design, construction and modification of wireless communications facilities in the City of Monterey;

WHEREAS, these regulations are designed to protect and promote the public's health, safety, and welfare;

WHEREAS, the City's aesthetics, unique historic setting, and views benefit residents, attract visitors worldwide, enhance property values, are a catalyst for economic development, and increase the City's tax base;

WHEREAS, the City finds that wireless communications facilities should not be placed in the rights-of-way at such points or in such manner as to incommode the public use of the same, except as such placement is required under federal law; and because of the impacts on the City and its residents, should not be placed at certain points or in such manner on public or private property unless required by federal law;

WHEREAS, the Planning Commission conducted a duly noticed public hearing on April 26, 2022, took public testimony, held a discussion, and voted to recommend City Council adoption of the Zoning Ordinance amendment; and,

WHEREAS, 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 right-of-way, 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.

NOW, THEREFORE, BE IT RESOLVED BY THE PLANNING COMMISSION OF THE CITY OF MONTEREY that it hereby recommends City Council adoption of an ordinance as shown in Exhibit A and based on the following finding:

1) The facts set forth in the recitals in this Resolution are true and correct and incorporated by reference. The recitals constitute findings in this matter and, together with the staff report, other written reports, public testimony and other information contained in the record, are an adequate and appropriate evidentiary basis for the actions taken in this Resolution.

NOW THEREFORE BE IT FURTHER RESOLVED that the Planning Commission hereby recommends that the City Council adopt the amendments to Monterey Municipal Code shown in Exhibit A.

PASSED AND ADOPTED BY THE PLANNING COMMISSION OF THE CITY OF MONTEREY this 26th day of April, 2022, by the following vote:

AYES:	COMMISSIONERS:
NOES:	COMMISSIONERS:
ABSENT:	COMMISSIONERS:
ABSTAIN:	COMMISSIONERS:

APPROVED:

ATTEST:

_____
Planning Commission Chair

_____
Community Development Director