



Ordinance Fact Sheet

TO: CITY COUNCIL **DATE:** January 14, 2019
FROM: CITY ATTORNEY
SUBJECT: PROPOSED AMENDMENTS TO TELECOMMUNICATIONS FACILITIES ORDINANCE

TITLE OF PROPOSED ORDINANCE

ORDINANCE OF THE CITY OF PASADENA AMENDING CHAPTER 12.22 OF THE PASADENA MUNICIPAL CODE (TELECOMMUNICATIONS FACILITIES)

RECOMMENDATION

It is recommended that the City Council:

1. Find that this action is exempt from review under the California Environmental Quality Act (CEQA), pursuant to State CEQA Guidelines Section 15061(b)(3), the "general rule" that CEQA only applies to projects which have the potential for causing a significant effect on the environment, and pursuant to CEQA Guidelines Section 15303 (Class 3 - New Construction or Conversion of Small Structures), and that there are no features that distinguish this project from others in the exempt class and, therefore, there are no unusual circumstances; and
2. Introduce an ordinance amending Chapter 12.22 of the Pasadena Municipal Code (Telecommunications Facilities), and conduct first reading of the ordinance.

PURPOSES OF THE ORDINANCE

The purpose of this ordinance is to amend the process for considering wireless facilities proposed in the public right-of-way.

REASONS WHY LEGISLATION IS NEEDED

At its December 17, 2018 meeting, the City Council directed the City Attorney to prepare this ordinance. This ordinance became necessary as a result of the Federal

MEETING OF 01/28/2019
01/14/2019
AGENDA ITEM NO. -13- 20

Communications Commission’s Declaratory Ruling and Report and Order, which seeks to accelerate deployment of 5G wireless infrastructure. The FCC adopted its decision in September 2018 and, following publication in the Federal Register, the decision becomes effective this month. The FCC’s decision is currently being challenged in the U.S. Court of Appeals for the Tenth Circuit, but the decision still remains effective, even though litigation is pending.

Significant features of this ordinance include the following amendments to Chapter 12.22 of the Municipal Code:

1. Provides for a definition of small cells to conform to the Federal Communications Commission’s September 2018 Declaratory Ruling and Report and Order accelerating deployment of 5G wireless infrastructure, and the creation of three separate tiers for the processing of small cell applications. Since the time of the December 17, 2018 Council meeting, Public Works staff has communicated with wireless carriers and their representatives about the volume limitations for each of the three tiers. Staff has concluded that the volume limitations should remain intact, and as originally proposed.

	Size of Small Cell (antennas & equipment)	Permit Processing
Tier 1	No more than one (1) cubic foot	<ul style="list-style-type: none"> • No special notice. • No appeal • Maximum 20 applications
Tier 2	One (1) to five (5) cubic feet	<ul style="list-style-type: none"> • Special notice tracking non-residential zoning districts • Appeal to City Manager • Maximum 10 applications
Tier 3	More than five (5) cubic feet	<ul style="list-style-type: none"> • Special notice • Appeal to City Manager • Maximum 5 applications

2. Provides that incomplete applications not re-submitted 90 days after an incomplete notice are deemed withdrawn;
3. Clarifies the appeal process for the City Manager and City Council (which is proposed to only hear non-small-cell appeals); and
4. Makes technical and conforming changes.

PROGRAMS, DEPARTMENTS OR GROUPS AFFECTED

The Public Works Department will be affected by this ordinance.

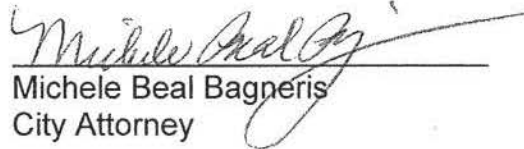
FISCAL IMPACT

The actual fiscal impact associated with enforcement of the ordinance is currently unknown, but is not expected to be significant.


ENVIRONMENTAL DETERMINATION

The Council is asked to find this proposed action exempt from environmental review before taking action on the ordinance. The proposed action is exempt from review under the California Environmental Quality Act (CEQA), pursuant to State CEQA Guidelines Section 15061(b)(3), the "general rule" that CEQA only applies to projects which have the potential for causing a significant effect on the environment, and pursuant to CEQA Guidelines Section 15303 (Class 3 - New Construction or Conversion of Small Structures), and that there are no features that distinguish this project from others in the exempt class and, therefore, there are no unusual circumstances.


Respectfully submitted,


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