



CITY OF SAN PABLO
City of New Directions

PUBLIC HEARING

AMENDMENTS TO ZONING ORDINANCE

PLAN 2011-0008

AMENDMENTS TO THE SAN PABLO ZONING ORDINANCE CHAPTER 17.62,
SECTIONS 17.62.200 AND 17.62.300, REGARDING WIRELESS FACILITIES COVERED
UNDER SECTION 6409(A) OF THE MIDDLE CLASS TAX RELIEF AND JOB CREATION
ACT OF 2012 AND NEW AND SUBSTANTIALLY CHANGED WIRELESS FACILITIES

CITY COUNCIL MEETING

JANUARY 19, 2021





ZONING ORDINANCE AMENDMENTS

PURPOSE/BACKGROUND

- ❖ City adopted Ordinance 2017-003 in July 2017 to accommodate Federal Communications Commission (FCC) regulations regarding wireless communications as well as the Middle Class Tax Relief and Job Creation Act of 2012 (Sections 17.62.200 & 17.62.300)
- ❖ Additional amendments now recommended to reflect more recent FCC rulings regarding wireless communications
- ❖ Amendments prepared by Telecom Law Firm, PC
- ❖ Will help to facilitate administration of zoning ordinance and other City actions related to its Smart City initiative.



ZONING ORDINANCE AMENDMENTS

BACKGROUND (Cont.)

- ❖ Telecommunications Act of 1996 pre-empted certain local regulations regarding wireless communications
- ❖ Section 6409(a) of the 2012 Middle Class Tax Relief and Job Creation Act further pre-empted local regulations for certain changes to existing facilities.
- ❖ September 2018 FCC ruling to accelerate deployment of 5G wireless technology introduced shot clocks for approval of small wireless facilities
- ❖ Shot clock limits require that small wireless facilities be approved administratively rather than by the Planning Commission or City Council.
- ❖ Proposed amendments reflect most recent rulings.



ZONING ORDINANCE AMENDMENTS

SUMMARY OF CHANGES – SECTION 17.62.200 (facilities covered under Section 6409(a))

- ❖ Updates Code of Federal Regulations (CFR) references
- ❖ Revises definitions of “site” and “substantial change”
- ❖ Pre-submittal conferences encouraged, rather than required



ZONING ORDINANCE AMENDMENTS

SUMMARY OF CHANGES – SECTION 17.62.300

- ❖ Updates CFR references
- ❖ Adds or clarifies definitions for small wireless facility, stealth, etc.
- ❖ Clarifies mandatory approval provisions
- ❖ Reflects that shot clocks prevent Planning Commission approval of small wireless and instead relies on administrative approvals
- ❖ Pre-submittal conferences voluntary, not mandatory
- ❖ Appeals may not be based on environmental effects of Radio Frequency (RF)
- ❖ Remove appeal of administrative decisions due to shot clock limits
- ❖ Small wireless in the public ROW listed in preferred locations
- ❖ Future development of administrative design guidelines and other rules



ZONING ORDINANCE AMENDMENTS

SUPPORTING POLICIES

- ❖ General Plan Policy LU-G-1
Promote a sustainable, balanced land use pattern that responds to existing and future needs of the City, as well as physical and natural constraints.
- ❖ General Plan Policy PSCU-I-38
Encourage telephone and communication system providers to upgrade and incorporate state of the art communication technologies, such as wireless internet technology, within the city.
- ❖ Council Priority Work Plan, Priority 410, *Facilitate future Smart City 5G S.P.E.E.D. Network projects, policies, and services.*



ZONING ORDINANCE AMENDMENTS

ZONING ORDINANCE COMPLIANCE

The proposed amendments are consistent with the purposes of the Zoning Ordinance:

- ❖ Section 17.01.020, *“Purpose,” the purpose of the ordinance is to promote growth of the city in an orderly manner and to promote and protect the public health, safety, peace, comfort, and general welfare in conformance with the general plan.*
- ❖ Section 17.32.010, *“Purpose,” the ordinance helps to produce healthy, safe, and attractive neighborhoods in San Pablo, consistent with the policy direction in the San Pablo general plan.*



ZONING ORDINANCE AMENDMENTS

PUBLIC HEARING NOTICE

- ❖ Plan Commission held a duly noticed public hearing on December 15, 2020.
- ❖ City Council Public hearing notice published in the West County Times (West Contra Costa edition of East Bay Times) newspaper on January 9, 2021.

ENVIRONMENTAL DOCUMENTATION

- ❖ The proposed amendment has been determined to be categorically exempt from the provisions of CEQA, in accordance with CEQA Guidelines Section 15305 Minor Alterations in Land Use Limitations as well as with Section 15061(b)(3) General Rule with no potential for causing a significant effect on the environment.



CONCLUSION

- ❖ Updates Zoning Ordinance to bring it into compliance with the most recent FCC and other rulings regarding the deployment of small wireless facilities and the accommodation of 5G facilities
- ❖ Assists in the use and administration of the Ordinance by incorporating these mandatory requirements and best practices.
- ❖ Will help to facilitate the proper processing of wireless facilities and provide improved wireless access for residents and businesses.
- ❖ Consistent with the goals of the General Plan, purpose of the Zoning Ordinance, and Council Goals for a Smart City policy initiative.



RECOMMENDATION

- ❖ Plan Commission recommended approval of the Ordinance at its meeting on December 15, 2020 by Resolution PC20-14.
- ❖ City Council to review proposed amendments, as shown in redlined City Council Ordinance and summarized in Staff Report
- ❖ Conduct a Public Hearing; waive reading of the Ordinance and read by title only; introduce Ordinance along with any further revisions. Second reading proposed to be placed on consent calendar with redlining removed (February 1, 2021).



CITY OF SAN PABLO

City of New Directions



QUESTIONS?