RESOLUTION PC20-14

RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SAN PABLO RECOMMENDING TO THE CITY COUNCIL APPROVAL OF PLAN 2011-0008, AMENDMENTS TO 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

WHEREAS, on May 18, 2015, the City of San Pablo adopted the City of San Pablo, California Zoning Ordinance as Municipal Code Title 17, incorporating land use changes to the City's General Plan and San Pablo Avenue Specific Plan, both of which were adopted in 2011 by the City Council; and,

WHEREAS, in June 2017 the City of San Pablo adopted Ordinance 2017-003 which amended the Zoning Ordinance to accommodate changes in Federal Communications Commission (FCC) regulations regarding wireless communications including those covered by the Middle Class Tax Relief and Job Creation Act of 2012; and,

WHEREAS, since adoption of Ordinance 2017-003, additional regulations and FCC rulings have occurred, including federally preempted approvals and expedited reviews of small wireless facilities, which necessitate further updating of the Zoning Ordinance; and,

WHEREAS, additional amendments are proposed to assist in the administration of the Zoning Ordinance with respect to the processing and approval of telecommunications facilities; and,

WHEREAS, the proposed changes to Title 17 of the Municipal Code, Zoning, have been compiled and presented to the Planning Commission and the public for review; and,

WHEREAS, pursuant to the California Environmental Quality Act, 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 Section 15061(b)(3) General Rule with no potential for causing a significant effect on the environment; and,

WHEREAS, a public notice hearing has been published in the West County Times (West Contra Costa edition of the East Bay Times) newspaper on Saturday December 5, 2020, in accordance with the requirements of Government Code Section 65091; and

WHEREAS, the Planning Commission conducted a public hearing on December 15, 2020, at which oral and written testimony was taken, in addition to a review of the staff report and attachments.

NOW, THEREFORE BE IT RESOLVED that the Planning Commission of the City of San Pablo has reviewed the proposed Ordinance (Exhibit 1) and recommends approval of PLAN2011-0008, relating to the amendment of the Zoning Ordinance, to the City Council, based on the following findings:

A. The Ordinance is consistent with the City of San Pablo General Plan.

The proposed ordinance meets the intent of the following policies:

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.

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.

B. The Ordinance is consistent with the purposes of the Zoning Ordinance.

Pursuant to 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. In addition, pursuant to Zoning Ordinance 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.

The ordinance helps to facilitate the proper processing of wireless facilities and will help to provide improved wireless access for residents and businesses, while also upholding the various land use protections contained in the Zoning Ordinance.

C. Pursuant to the California Environmental Quality Act, 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.

The proposed ordinance is 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 in that it involves minor changes in land use limitations and there is no potential for causing a significant effect on the environment.

D. Public notice of the hearing has been published in the West County Times (West Contra Costa edition of the East Bay Times), in accordance with the requirements of Government Code Section 65905.

A public hearing notice was published in the West County Times newspaper on Saturday, December 5, 2020.

BE IT FURTHER RESOLVED that the foregoing recitations are true and correct, and are included herein by reference as findings.

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Adopted this 15th day of December 2020, by the following vote:

AYES:	COMMISSIONERS:	Shi, Morris, Harlan-Ogbeide, Gantt, Feliciano
NOES:	COMMISSIONERS:	None
ABSENT:	COMMISSIONERS:	None
ABSTAIN:	COMMISSIONERS:	None

ATTEST:

Charles Ching, Secretary

APPROVED:

Roberta Feliciano, Chair