

## RESOLUTION NO. \_\_\_\_-2019

### RESOLUTION OF THE FORT BRAGG CITY COUNCIL ADOPTING REVISED AESTHETIC GUIDELINES AND STANDARDS FOR THE DEPLOYMENT OF TELECOMMUNICATION FACILITIES

**WHEREAS**, it is in the public interest for the City of Fort Bragg (“City”) to establish reasonable, uniform and comprehensive design and siting guidelines, engineering design standards, conditions of approval, and streamlined permit application and review procedures for the installation of telecommunication facilities within the City in response to Federal and California State law, and Federal Communications Commission (“FCC”) Order 18-133, which became effective on January 14, 2019 and permit wireless telecommunication infrastructure deployment through relaxation of barriers (“FCC Regulations”), affecting the local permit process; and

**WHEREAS**, the FCC Regulations established new shot clock permit processing timeframes for small cell wireless telecommunication facilities, as well as new tolling time periods for the shot clocks; and

**WHEREAS**, the City’s current entitlement process for all required permits for wireless telecommunication facilities, including both Community Development and Public Works permitting processes, may exceed the FCC shot clock timeframes; and

**WHEREAS**, in order to comply with the FCC Regulations and the shot clock requirements, City staff and a consultant have developed certain standards and regulations relating to telecommunication facilities, consistent with federal and state law limitations of that authority, and a new process whereby applications for small cell wireless telecommunication facilities proposed in the public right-of-way will now be processed by the Public Works Department; and

**WHEREAS**, the City's public rights-of-way and utility easements are a uniquely valuable public resource, closely linked with the City's character, making the regulation of telecommunication facilities in the public rights-of-way and within utility easements in public and private properties necessary to protect and preserve the aesthetics of the community; and

**WHEREAS**, Chapter 12.10 of the Fort Bragg Municipal Code authorizes the City Council to adopt aesthetic guidelines for wireless telecommunication facilities, including small cell wireless telecommunication facilities, to comply with the FCC Regulations; and

**WHEREAS**, the City Council at a special meeting on April 12, 2019, adopted Resolution No. 4158-2019 establishing guidelines and standards for the deployment of wireless telecommunication facilities; and

**WHEREAS**, Resolution No. 4158-2019 requires the City Council to review and confirm or revise the aesthetic guidelines by April 12, 2020; and

**WHEREAS**, the City Council wishes to revise the aesthetic guidelines, and adopt design standards, conditions, and procedures to provide greater direction and assure a degree of consistency in telecommunication facility design, siting, configuration, and permit application review; and

**WHEREAS**, based on the forgoing, City staff and a consultant developed certain guidelines, standards, and procedures relating to the deployment of telecommunication facilities in the City, consistent with federal and state law limitations of that authority; and

**WHEREAS**, the revised, updated, and expanded *Aesthetic Guidelines and Standards for the Deployment of Telecommunication Facilities* adopt standards that are objective, reasonable, and no more burdensome than those applied to other types of infrastructure deployments; and

**WHEREAS**, the new *Small Cell Wireless Facilities Permit Application Guidelines and Engineering Design Standards and Permit Conditions for Telecommunication Facilities* provide the process and details for issuing permits applicable to small wireless facilities in the public right-of-way and public and private utility easements; and

**WHEREAS**, the guidelines, standards, and conditions will not increase impediments to the installation of wireless communication facilities under the Federal Telecommunications Act of 1996 but illustrate the desired level of design quality and configuration of any proposed wireless telecommunication facility; and

**WHEREAS**, the City Council has determined that the revised aesthetic guidelines, standards, and conditions comply with the FCC Regulations; and are necessary to protect and preserve the visual character and aesthetics in the community; and

**WHEREAS**, the City Council has determined the Small Cell Wireless Facilities Permit form is appropriate for small wireless facilities in the public right-of-way and public and private utility easements and is consistent with the applicable permit requirements established in the Fort Bragg Municipal Code; and

**WHEREAS**, the City Council has determined the permit application guidance, procedures, and forms provide the necessary clarity to ensure that City reviews and processes permit applications in a timely and expeditious manner in accordance with the shot clock permit processing timeframes for small cell wireless telecommunication facilities established by the FCC Regulations; and

**NOW, THEREFORE, BE IT RESOLVED** that the City Council of the City of Fort Bragg does hereby adopt revised aesthetic guidelines and standards to provide greater direction and assure a degree of consistency in telecommunication facility design, siting,

configuration, and permit application review, as follows:

**SECTION 1: INCORPORATION OF RECITALS.** The recitals above are each incorporated by reference and adopted as findings of the City Council.

**SECTION 2: CEQA DETERMINATION.** The City Council has determined and finds that that the adoption of revised aesthetic guidelines and standards for the deployment of telecommunication facilities is categorically exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to Sections 15061(b)(2) and 15308 of the CEQA Guidelines, in that doing so is an action by the City Council that will assure the maintenance, restoration, enhancement, and protection of the environment because the guidelines and standards will protect and preserve the visual character and context of City neighborhoods and the existing environment by reducing the risk of subsequent deployment of small cell wireless telecommunication facilities in the public right-of-way creating or contributing to visual blight and clutter from excessive, concentrated, or unsightly conditions. Further, the guidelines and standards require the protection, restoration, and maintenance of existing environmental features in the public right-of-way and protect the integrity of historic resources and cultural landscapes from visual blight and aesthetic degradation due to unsuitable configuration or installation of telecommunication facilities. Even if Section 15308 of the CEQA Guidelines did not apply, the City Council has determined and finds that the adoption of revised aesthetic guidelines and standards is also not subject to environmental review pursuant to Section 15061(b)(3) of the CEQA Guidelines because there is no possibility doing so has the potential to cause a significant effect on the environment since application of the guidelines and standards to the deployment of small cell facilities in the City will protect and preserve the visual character and context of neighborhoods and the existing environment. Therefore, no further environmental review is necessary at this time.

**SECTION 3: AESTHETIC GUIDELINES.** The City Council adopts the *Aesthetic Guidelines and Standards for the Deployment of Telecommunication Facilities*, attached hereto as Exhibit A.

**SECTION 4: PUBLICATION.** The City Council directs City staff to publish and disclose the *Aesthetic Guidelines and Standards for the Deployment of Telecommunication Facilities* on the City website and in any other manner deemed necessary to ensure that the advance public notice requirements of the FCC Regulations are satisfied.

**SECTION 6: SEVERABILITY.** If any provision of this Resolution or its application to any person or circumstance is held invalid, such invalidity has no effect on the other provisions or applications of the Resolution that can be given effect without the invalid provision or application, and to this extent, the provisions of this Resolution and attached exhibits are severable. The City Council declares that it would have adopted this Resolution irrespective of the invalidity of any portion thereof.

The above and foregoing Resolution was introduced by Councilmember \_\_\_\_\_, seconded by Councilmember \_\_\_\_\_, and passed and adopted at a regular meeting of the City Council of the City of Fort Bragg held on the 12<sup>th</sup> day of November, 2019, by the following vote:

**AYES:**  
**NOES:**  
**ABSENT:**  
**ABSTAIN:**  
**RECUSED:**

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**WILLIAM V. LEE**  
Mayor

**ATTEST:**

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**June Lemos, CMC**  
City Clerk