

**CITY OF ALBANY
CITY COUNCIL AGENDA
STAFF REPORT**

Prepared Date: 2/28/05
Agenda Date: 3/7/05
Reviewed By: _____

SUBJECT: Wireless Communication Facilities Ordinance

FROM: Dave Dowswell, Planning Manager
Ed Phillips, Zoning Consultant

RECOMMENDATION

1. Adopt Resolution #05-3, adopting a Negative Declaration regarding proposed Wireless Communication Facilities Ordinance.
2. Adopt Ordinance #05-02, amending Chapter XX, Planning and Zoning, of the Albany Municipal Code, to include regulations on Wireless Communication Facilities:
Second Reading, Pass to Print.

BACKGROUND

On February 22, 2005 the City Council held a public hearing on proposed Municipal Code Subsection 20.20.090, to regulate wireless communication facilities. The Council heard testimony from Albany residents, wireless service providers and other parties with interests in the matter. Following the public hearing the Council reviewed a draft of proposed Ordinance #05-02 with the aid of a decision agenda. The Council approved a series of motions to accept or modify each of the various parts of the proposed text of the ordinance. The Council introduced the ordinance for First Reading, with instructions to staff as to text modifications.

Staff has prepared a final ordinance text, Attachment A, for the Second Reading. A guide to modifications is presented below in the Discussion section of this report.

CEQA: Resolution #05-3 (Attachment B) has been prepared for adoption prior to action on the ordinance, for the purpose of expressing that the City Council has considered the potential environmental effects of the proposed action.

In compliance with requirements of the California Environmental Quality Act (CEQA), staff circulated, for public comment, a draft Negative Declaration based on an Initial Study of potential environmental effects of the proposed ordinance. No comments were

received during the 20-day review period that ended on January 11, 2005. However the Commission received a comment during the January 25 public hearing, regarding the adequacy of the noise analysis in the Initial Study. The Commission approved the draft Negative Declaration, subject to further staff analysis of potential noise effects. Staff prepared an addendum to the Initial Study, with a determination that noise impacts would be less-than-significant, and that this had no effect on the original conclusions of the Initial Study. The addendum is included in the CEQA documents, which are attached to this report as Attachment C.

DISCUSSION

Modifications to Draft Ordinance: In response to Council direction, the following modifications were made to the draft text as reviewed on February 22, 2005:

Subsection A:

- Acceptance of the edits (underline and strikeout) indicated in the 2/22/05 draft.
- Additional modification to item 6 to delete “only” and to add “except as otherwise provided in the Chapter.” (Page 3, line 2.)

Subsection B: Deletion of definition of “significant gap”. (Page 24)

Subsection C: No modifications.

Subsection D:

- Deleted suggested exception for Albany Hill.
- Combine SC and SPC in the same tier for preference. (Page 5, line 10.)
- Acceptance of 50’ setback language recommended by Planning and Zoning Commission. (Page 5, line 21.)

Subsection E: Acceptance of edits included in the 2/22/05 draft.

Subsection F:

- Add requirement for site plan. (Page 11, line 9.)
- Combine former items 4 and 5 into new item 5 on screening and landscaping. (Page 11, line 29.)
- Adjust item 8 to reflect combination of SC and SPC in single tier, and to delete ‘significant gap’. (Page 12, line 17.)
- Other text adjustments to delete references to “significant gap” (page 13, lines 28, 32 and 45.)
- Restoration of Finding 4, except for language referring to “significant gap”. (Page 15, line 36.)
- Acceptance of various edits included in the 2/22/05 draft.

Subsection G: No modifications.

Subsection H: Acceptance of edits regarding structural inspection (Page 20, line 23.)

Subsection I: No modifications; reflects acceptance of 10-year initial limit on use permits.

Attachments:

- A. Ordinance #05-02, adopting Wireless Communication Facilities regulations
- B. Resolution #05-3, adopting Negative Declaration
- C. Negative Declaration, with Initial Study, 12-16-04, and Addendum 2-2-05
- D. Any additional correspondence received from public.

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