RESOLUTION OF THE CITY OF PETALUMA PLANNING COMMISSION
RECOMMENDING THE CITY COUNCIL AMEND THE TEXT OF CHAPTER 14.44
OF THE PETALUMA MUNICIPAL CODE TO ADD A DEFINITION FOR SMALL
CELL FACILITIES AND IMPLEMENTING ZONING ORDINANCE, ORDINANCE
2300 N.C.S., CHAPTER 7 SECTION 7.090 – TELECOMMUNICATIONS FACILITIES
TO ADD A DEFINITION AND TABLE COLUMN FOR SMALL CELL FACILITIES

WHEREAS, California Public Utilities Code Section 7901.1 gives the City the right to
control, in a reasonable manner, the time, place, and manner, when applied equally, where
telecommunications facilities can be located; and

WHEREAS, Petaluma Municipal Code Chapter 14.44 and the Implementing Zoning
Ordinance Chapter 7.090 both govern telecommunications facilities within Petaluma; and

WHEREAS, as telecommunications facilities are increasingly used, there is a request for
the addition of Small Cell facilities within Petaluma from existing telecommunications companies
to offload data from existing telecommunications infrastructure; and

WHEREAS, the City, at this time, and within its absolute right as owner of its personal
property, declines to add small cell telecommunications facilities to existing City infrastructure; and

WHEREAS, by precedent set in a Public Utilities Commission case (*GTE Mobilnet of
Cal. Ltd. P'ship v. City & Cty. of San Francisco*, 440 F. Supp. 2d 1097 (N.D. Cal. 2006)), Small
Cell Facilities may be located on existing privately-owned infrastructure in the right-of-way; and

WHEREAS, under California Public Utilities Code Section 7901, the City may not ban
such small cell facilities; and

WHEREAS, in order to protect the general welfare of citizens of Petaluma, updates will
be made to the Petaluma Municipal Code and Implementing Zoning Ordinance to limit the siting
of small cell facilities within the scope of existing laws; and

WHEREAS, Section 25.010 of the City of Petaluma Implementing Zoning Ordinance
(IZO) provides in pertinent part that no amendment that regulates matters listed in Government
Code Section 65850, which matters include the use of buildings and structures, shall be made to
the IZO unless the Planning Commission and City Council find the amendment to be in conformity
with the General Plan and consistent with the public necessity, convenience and general welfare
in accordance with Section 25.050(B) of the IZO; and

WHEREAS, the City Council found that due to the negligible environmental impacts
anticipated from enactment of the edits to Chapter 14.44 of the Petaluma Municipal Code
Ordinance 2634 N.C.S. was exempt from CEQA pursuant to Sections 15061(b)(3), 15183 and
15301;
WHEREAS, the text amendments contained in Exhibit A to this resolution to modify the City’s Municipal Code Chapter 14, Section 14.44 and Implementing Zoning Ordinance, Chapter 7, Section 7.090 – Telecommunications Facilities implements, consistent with applicable state laws, the precise requirements, including location, of where Small Cell facilities can be located; and

WHEREAS, on May 30, 2018, public notice of the June 12, 2018 Planning Commission meeting to consider the amendments was published in the Argus-Courier and sent to all members of the public on the interested parties list for this item; and

WHEREAS, on June 12, 2018, the Planning Commission held a duly noticed public hearing in accordance with Chapter 25 of the Implementing Zoning Ordinance to consider the amendments.

NOW THEREFORE BE IT RESOLVED by the Planning Commission of the City of Petaluma as follows:

1. The above recitals are hereby declared to be true and corrected and are incorporated into this resolution as findings of the Petaluma Planning Commission.

2. The text amendments contained in Exhibit 1 to this resolution, which exhibit is hereby made a part of this resolution for all purposes, are exempt from CEQA pursuant to Sections 15061(b)(3), 15183 and 15301 of the CEQA Guidelines in that Small Cell facilities will be limited in a consistent manner and permitted in locations consistent with the Telecommunications chapter and state law without creating any additional impacts.

3. In accordance with Sections 25.010 and 25.050(B) of the City’s Implementing Zoning Ordinance, Ordinance no. 2300N.C.S., (“IZO”), the proposed amendments to the IZO in Chapter 7, Section 7.090 – Telecommunications Facilities contained in Exhibit A are in general conformity with the Petaluma General Plan 2025 in that these changes do not change the general character and impacts of current zoning regulations. In accordance with Section 25.050(B) of IZO, the proposed amendments are consistent with the public necessity, convenience and welfare in that they:

   a. Ensure Petaluma’s land use and zoning regulations provide safe and appropriate locations where installation of Small Cell Facilities are appropriate;

   b. Comply with California Public Utilities Code sections 7901 and 7901.1 which regulate telecommunication facilities; and

   c. Provide for buffers to assure that Small Cell facilities are a safe distance from residential land uses.

4. The proposed amendments, attached hereto as Exhibit A, are hereby recommended to the Petaluma City Council for consideration and findings in accordance with Sections 25.010 and 25.050 of the City’s Implementing Zoning Ordinance.