

**ORDINANCE NO. 20-001**

**AN ORDINANCE OF THE CITY OF PACIFIC GROVE  
AMENDING TITLE 23, ZONING,  
OF THE PACIFIC GROVE MUNICIPAL CODE  
REGARDING WIRELESS TELECOMMUNICATIONS FACILITIES**

**WHEREAS**, currently, Table 23.31.030 of the Pacific Grove Municipal Code (PGMC or Code) recognizes wireless telecommunications facilities as a use allowed in all of the Commercial and Industrial zoning districts in the City of Pacific Grove (City) upon issuance of a Use Permit; and

**WHEREAS**, the criteria for Use Permit are the only standards in the PGMC that staff and the Planning Commission can use to review and process applications for wireless facilities, and such standards do not provide a modern framework for addressing issues presented by the variety of wireless installations and applications expected to come forward in the future; and

**WHEREAS**, given the rise locally in wireless telecommunications facilities applications and to be better prepared as providers seek to enhance their networks to provide services in the City, the City Council directed Staff to prepare draft regulations for review and recommendation by the Planning Commission and final action by the Council; and

**WHEREAS**, City staff collaborated with a contract consultant, Best, Best & Krieger LLP, to draft wireless regulations; and

**WHEREAS**, in December 2018, the City Council adopted an ordinance governing wireless telecommunications facilities in the public right of way; and

**WHEREAS**, City staff, along with the consultant, developed a comprehensive ordinance to govern wireless facilities throughout the City, as well as a companion Design Manual, which is a non-codified manual intended to provide a flexible guide for staff, applicants and the public to use in the development and review of wireless applications; and

**WHEREAS**, the draft ordinance proposes amendments throughout Title 23, rather than as a standalone section, so as to establish a more streamlined and efficient review process and ensure other applicable regulations are not inadvertently missed; and

**WHEREAS**, at the direction of the City Council, the City Manager appointed a 5-person Advisory Group who reviewed the draft ordinance and Design Manual and recommended them to the Planning Commission; and

**WHEREAS**, the key elements of Title 23 proposed to be amended are located in the following sections:

Section 23.08.020 – Definitions  
Table 23.31.030 – Commercial and Industrial Use Table  
Section 23.64.063 (new) – Wireless telecommunications facilities  
Section 23.64.120 – Height limits – Chimneys, flagpoles, towers, etc.  
Section 23.70.015 – Exemptions  
Section 23.70.030.7 (A) and (B) – Staff approvals  
Section 23.70.030(e) – Findings Section 23.72.050 – Initial application review  
Section 23.73.020 – Effective date of permits Section 23.74.020 – Appeals

**WHEREAS**, at its meetings on September 19 and November 7, 2019, the Planning Commission engaged in a thorough review and discussion of the draft amendments to Title 23, and received and considered public comment; and

**WHEREAS**, at its November 7, 2019 meeting, the Planning Commission voted unanimously to accept the proposed amendments to Title 23, with certain additions, as well as the proposed Design Manual, and recommended both documents to the City Council for approval as amended; and

**WHEREAS**, Notice of the public hearing was published or posted December 26, 2019; and

**WHEREAS**, in the enactment of this ordinance, the City followed the guidelines adopted by the State of California and published in the California Code of Regulations, Title 14, Section 15000, et seq.

**WHEREAS**, enactment of this ordinance action does not constitute a “project” as defined by California Environmental Quality Act (CEQA) because it has no potential for resulting in physical change in the environment, directly or indirectly. The ordinance does not authorize any specific development or installation on any specific property within the City’s boundaries. Moreover, when and if an application for installation is submitted, the City will – at that time – conduct preliminary review of the application in accordance with CEQA.

**NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF PACIFIC GROVE:**

SECTION 1. The foregoing recitals are adopted as findings of the City Council as though set forth fully herein.

SECTION 2. Existing Municipal Code Title 23, entitled “Zoning,” shall be amended by the deletion of all text shown in ~~strikeout text~~ and by the addition of all text shown in bold, italic text (***bold italic text***), as set forth in Exhibit A.

SECTION 3. The City Manager is directed to execute all documents and to perform all other necessary City acts to implement effect this Ordinance.

SECTION 4. Severability. If any provision, section, paragraph, sentence, clause or phrase of this ordinance, or any part thereof, or the application thereof to any person or circumstance is for any reason held to be invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance, or any part thereof, or its application to other persons or circumstances. The City Council hereby declares that it would have passed and adopted each provision, section, paragraph, subparagraph, sentence, clause or phrase thereof, irrespective of the fact that any one or more sections, paragraphs, subparagraphs, sentences, clauses or phrases, or the application thereof to any person or circumstance, be declared invalid or unconstitutional.

SECTION 5. In accord with Article 15 of the City Charter, this ordinance shall become effective on the thirtieth (30th) day following passage and adoption hereof.

PASSED AND ADOPTED BY THE COUNCIL OF THE CITY OF PACIFIC GROVE  
THIS 15<sup>TH</sup> day of January, 2020, by the following vote:

AYES: Mayor Peake, Mayor Pro Tem Huitt, Councilmembers Amelio, Garfield,  
McAdams, Smith and Tomlinson.

NOES: None.

ABSENT: None.

APPROVED:



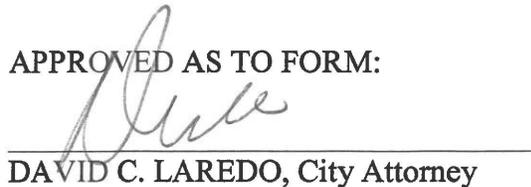
BILL PEAKE, Mayor

ATTEST:

  
SANDRA KANDELL, City Clerk

DATED: January 23, 2020

APPROVED AS TO FORM:

  
DAVID C. LAREDO, City Attorney