

RESOLUTION #20-XX
SMALL WIRELESS TELECOMMUNICATIONS FACILITIES

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF HERCULES RECOMMENDING THAT THE CITY COUNCIL CONSIDER PASSING AN ORDINANCE REVISING TITLE 10, CHAPTER 16 – TELECOMMUNICATIONS FACILITIES SECTION OF THE HERCULES MUNICIPAL CODE TO UPDATE THE CITY’S CURRENT POLICIES AND PROCESSES ON SMALL WIRELESS FACILITIES IN CONFORMITY WITH CURRENT STATE AND FEDERAL STANDARDS AND TECHNOLOGIES.

WHEREAS, in 1996 the United States Congress adopted the 1996 Federal Communications Act, which encourages the growth of the telecommunications industry through deregulation, while confirming local government’s ability to regulate the installation of personal communications service (PCS) and cellular telephone facilities and related telecommunication facilities for health, safety, and aesthetics; and

WHEREAS, on June 10, 1997, the City Council adopted Ordinance No. 339, adding Chapter 16, entitled “Telecommunications Facilities,” to Title 10 of the Hercules Municipal Code in response to the Federal Communications Act; and

WHEREAS, in February 2013, the City hired The Center for Municipal Solutions to assist with updating the Telecommunications Ordinance and work on behalf of the City to process telecommunication facility applications; and

WHEREAS, on August 11, 2015, the City Council adopted Ordinance No. 487, substantially revising Chapter 16, Title 10, entitled “Telecommunications Facilities,” of the Hercules Municipal Code to update the City’s then policies and processes on wireless facilities for conformance with State and Federal standards and technologies; and

WHEREAS, on October 15, 2018, the Federal Communications Commission (FCC) issued a Final Rule (FCC-18-133, “Accelerating Wireless and Wireline Broadband Deployment by Removing Barriers to Infrastructure Investment”), which took effect on January 14, 2019, with the purpose of accelerating the United States’ transition to 5G cellular networks by streamlining wireless infrastructure siting review processes at the state and local level; and

WHEREAS, the City of Hercules finds that small wireless telecommunications facilities may pose significant concerns to the health, safety, public welfare, character and environment of the City and its inhabitants, and the City also recognizes that facilitating the development of wireless service technology is an economic development asset to the City and of significant benefit to the City and its residents; and

WHEREAS, the Planning Commission, after thoroughly studying and deliberating, finds that in order to assure that the placement, construction, or modification of a small wireless telecommunications facility is consistent with the City's land use policies, the City should revise its wireless telecommunications facility application and permitting process and that the proposed updated Ordinance is needed to minimize the physical impact of small wireless telecommunications facilities on the community, protect the character of the community to the extent reasonably possible, establish a fair and efficient process for review and approval of applications, assure an integrated, comprehensive review of environmental impacts of such facilities, and protect the health, safety and welfare of the City of Hercules.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of the City of Hercules hereby recommends to the City Council the adoption of the attached text revisions with the intent of updating the existing Title 10, Chapter 16 – Telecommunications Facilities (put in place by Ordinance #487) with revisions and additions to address small wireless telecommunications facilities.

The foregoing Resolution was duly and regularly adopted at a regular meeting of the Planning Commission of the City of Hercules held on the 5th day of October 2020 by the following vote of the Commission:

AYES:

NOES:

ABSENT:

ABSTAIN:

Irina Galieva, Chairperson

ATTEST:

Robert Reber, Community Development Director