

RESOLUTION NO. _____

A RESOLUTION OF THE COUNCIL OF THE CITY OF
FRESNO, CALIFORNIA, APPROVING POLICY AND
PROCEDURE NO. TR 1.3.1 DATED OCTOBER 2016

WHEREAS, in recent years there has been a steady rise in the use of wireless devices creating a need and a market for the installation of wireless telecommunications facilities nationwide; and

WHEREAS, the City of Fresno Department of Public Works recognizes that the City has begun receiving applications for wireless telecommunications facilities to be installed in City right-of-way; and

WHEREAS, Fresno Municipal Code Section 15-2759 provides that "Telecommunications and Wireless Facilities shall comply with the City's policy pertaining to said uses"; and,

WHEREAS, the City's current policy, Policy and Procedure G0033, dated June 2006, governs all wireless telecommunications facilities (both on private property and within City right-of-way), within the City, but does not provide specific guidance for facilities within the City's right-of-way; and,

WHEREAS, the City of Fresno Department of Public Works recognizes that a specific policy governing the installation of wireless telecommunications facilities within City right-of-way through set standards and procedures would better: (1) safeguard the rights of adjacent property owners; (2) protect the health and safety of citizens;

Date Adopted:

Date Approved:

Effective Date:

City Attorney Approval: 

Resolution No.

(3) protect the aesthetics of the City's skyline and neighborhoods; and (4) make the application process easier and more predictable for applicants; and,

WHEREAS, the City of Fresno Department of Public Works, with the assistance of the Department of Development and Resource Management, has introduced this policy to address the City's need for a specific wireless telecommunications facilities policy for City right-of-way; and,

WHEREAS, the environmental assessment conducted for the proposed policy revision resulted in a Finding of No Possibility that the project will have impacts on the environment pursuant to Section 15061(b)(3) of the CEQA Guidelines; and,

WHEREAS, on October 20, 2016, the Fresno City Council held a public hearing to consider Policy and Procedure TR 1.3.1 and received testimony at the hearing regarding the proposed policy revision.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Fresno, based upon the testimony and information presented at the hearing and upon review and consideration of the environmental documentation provided, as follows:

1. The Council finds in accordance with its own independent judgment that there is no substantial evidence in the record that Policy and Procedure TR 1.3.1 has the potential to cause a significant effect on the environment. According to Section 15061(b)(3) of the CEQA Guidelines, where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA. Accordingly, the Council adopts the Finding of No Possibility dated October 20, 2016 for the proposed policy revision.

2. The Council finds that the approval of the proposed policy is in the best interest of the City of Fresno because the policy is necessary for the installation of new and updated wireless telecommunications facilities in City of Fresno right-of-way without major delays or overly burdensome regulations, while at the same time, protecting the health and safety of citizens and safeguarding the aesthetics of Fresno’s skyline and neighborhoods.

3. Policy and Procedure TR 1.3.1 shall be used henceforth by staff to make the appropriate findings to approve applications for all new and modified wireless telecommunications facilities within City right-of way to ensure public health, safety, and welfare.

4. Policy and Procedure G0033 shall continue to be used for applications for the installation or modification of wireless telecommunications facilities which are not addressed by Policy and Procedure TR 1.3.1.

5. The Council of the City of Fresno hereby adopts Policy and Procedure TR 1.3.1 dated October 2016, attached hereto and incorporated herein by reference.

STATE OF CALIFORNIA)
COUNTY OF FRESNO) ss.
CITY OF FRESNO)

I, YVONNE SPENCE, City Clerk of the City of Fresno, certify that the foregoing resolution was adopted by the Council of the City of Fresno, at a regular meeting held on the _____ day of _____, 2016.

AYES :
NOES :
ABSENT :
ABSTAIN :

Mayor Approval: _____, 2016
Mayor Approval/No Return: _____, 2016
Mayor Veto: _____, 2016
Council Override Vote: _____, 2016

YVONNE SPENCE, CMC
City Clerk

BY: _____
Deputy

APPROVED AS TO FORM:
DOUGLAS T. SLOAN
CITY ATTORNEY

BY: _____
Raj Singh Badhesha, Deputy [date]

RSB:dy [72589dy/rsb] 10-04-2016