



## MEMORANDUM

**TO:** City Council

**FROM:** Brian Pedrotti, Director of Community Development

**BY:** Andrew Perez, Planning Manager

**SUBJECT:** Amendments to Title 16 of the Arroyo Grande Municipal Code Regarding Wireless Telecommunication Facilities

**DATE:** February 11, 2025

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### **RECOMMENDATION:**

- 1) Adopt an Ordinance amending Arroyo Grande Municipal Code regarding wireless telecommunication facilities; and
- 2) Find that the “project” is exempt from the provisions of the California Environmental Quality Act (CEQA) per State CEQA Guidelines Sections 15061(b)(3), 15378 and in the alternative, State CEQA Guidelines sections 15301, 15302, 15303 and 15304.

### **IMPACT ON FINANCIAL AND PERSONNEL RESOURCES:**

No financial impact is anticipated to adopt the Ordinance.

### **BACKGROUND:**

The proposed Ordinance will create Chapter 16.70 of the Arroyo Grande Municipal Code (AGMC) to establish regulations for permitting wireless telecommunication facilities within the limits of state and federal law. The Ordinance will establish permit procedures, location, design, and development standards, and creates standard conditions of approval that apply to all permits issued in accordance with Chapter 16.70. The Ordinance will also make conforming edits to other sections to ensure consistency throughout the AGMC. Finally, the Ordinance will repeal existing, outdated policies related to permitting wireless telecommunication facilities.

At a public hearing on [October 15, 2024](#),<sup>1</sup> the Planning Commission recommended to City Council to adopt the Ordinance, with the addition of a setback standard for facilities located on parcels adjacent to residential uses.

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<sup>1</sup><https://pub-arroyogrande.escribemeetings.com/Meeting.aspx?Id=31aa832e-814e-4665-aba8-9b62580e043a&lang=English&Agenda=Agenda&Item=15&Tab=attachments>

## City Council

### Amendments to Title 16 of the Arroyo Grande Municipal Code Regarding Wireless Telecommunication Facilities

February 11, 2025

Page 2

At a public hearing on [January 28, 2025](#)<sup>2</sup>, the City Council introduced the Ordinance with revisions to sections related to public notifications when certain applications are submitted. Specifically, the City Council wished to remove additional local notice, beyond what is required under applicable law, for Community Development Director level reviews on applications that are not appealable.

#### **ANALYSIS OF ISSUES:**

The Ordinance amendments are now ready for adoption. The Ordinance amendments will become effective thirty (30) days after adoption.

#### **ALTERNATIVES:**

The following alternatives are provided for the Council's consideration:

1. Adopt the Ordinance as proposed;
2. Modify the Ordinance amendments and direct staff to return at a future public hearing to introduce the modified amendments; or
3. Provide other direction to staff.

#### **ADVANTAGES:**

Adopting an Ordinance to establish a new chapter pertaining to wireless telecommunications facilities streamlines the procedures for processing wireless telecommunications facility applications to avoid deemed approvals by operation of law, and enhances organizational clarity, administrative efficiency, and legal coherence by updating the City's requirements to comport with recent changes to state and federal law and allows the City to impose updated design development and location standards.

#### **DISADVANTAGES:**

Updating the City's wireless regulations represents a significant endeavor. This process entails substantial resource expenditure, encompassing staff time, public consultations, and legal advisory services.

#### **ENVIRONMENTAL REVIEW:**

The Ordinance is not a "project" subject to the California Environmental Quality Act ("CEQA"), because it has no potential to result in a direct or indirect physical change in the environment. The Ordinance does not authorize any specific development or installation on any specific piece of 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. Alternatively, even if the Ordinance is a "project" within the meaning of State CEQA Guidelines Section 15378, the Ordinance is exempt from CEQA on multiple grounds. First, the Ordinance is exempt from CEQA because it can be seen with certainty that there is no possibility that the Ordinance

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<sup>2</sup> <https://pub-arroyogrande.escribemeetings.com/Meeting.aspx?Id=a9ffd954-d3f0-4b51-9ea9-4dcb521e64ac&lang=English&Agenda=Agenda&Item=66&Tab=attachments>

**City Council**

**Amendments to Title 16 of the Arroyo Grande Municipal Code Regarding Wireless Telecommunication Facilities**

**February 11, 2025**

**Page 3**

may have a significant effect on the environment. (State CEQA Guidelines, § 15061(b)(3)). This is because approval of the Ordinance will not result in the actual installation of any facilities in the City. In order to install a facility in accordance with this Ordinance, the wireless provider would have to submit an application for installation of the wireless facility, and the City would conduct preliminary review under CEQA at that time. Alternatively, the Ordinance is categorically exempt from CEQA under State CEQA Guidelines sections 15301 (existing facilities), 15302 (replacement or reconstruction), 15303 (new construction or conversion of small structures), and/or 15304 (minor alterations to land). Notably, the wireless facilities regulated by the Ordinance typically have small footprints, and there are no unusual circumstances that apply to the Ordinance or the wireless facilities that it regulates. Moreover, the eligible facilities requests (“EFRs”) regulated by the Ordinance are not subject to CEQA because the City does not have discretion to deny EFRs under federal law. For all of the foregoing reasons, the Ordinance is not subject to CEQA.

**PUBLIC NOTIFICATION AND COMMENTS:**

The Agenda was posted at City Hall and on the City’s website in accordance with Government Code Section 54954.2.

**ATTACHMENTS:**

1. Ordinance