

**CITY OF OJAI
RESOLUTION NO. 19-06**

**A RESOLUTION OF THE CITY COUNCIL OF THE
CITY OF OJAI ADOPTING POLICIES,
PROCEDURES, STANDARDS, AND LIMITATIONS
FOR THE SUBMITTAL, REVIEW, AND
APPROVAL OF CERTAIN SMALL WIRELESS
FACILITIES AS DEFINED**

WHEREAS, on September 26, 2018, the Federal Communications Commission adopted a Declaratory Ruling and Report and Order (FCC 18-133) adopting 47 C.F.R. section 1.6001 et seq.; and

WHEREAS, 47 C.F.R. section 1.6001 et seq. implements 47 U.S.C. sections 332(c)(7) and 1455, regulating the collocation, modification, and deployment of wireless facilities; and

WHEREAS, FCC 18-133 is intended to streamline the process of collocating and deploying small wireless facilities necessary to support the 5G network infrastructure; and

WHEREAS, FCC 18-133 shortens the shot clock for reviewing small wireless facility permit applications, limits the amount of fees that can be assessed for the review, regulates aesthetic requirements, among others; and

WHEREAS, FCC 18-133 takes effect on January 14, 2019, and preempts any and all conflicting local ordinances and regulations; and

WHEREAS, given the short time period before the effective date of the new regulations, which require that the City approve applications for small wireless facilities, time is of the essence to avoid the City being unable to timely review and evaluate applications brought under this new federal regulatory scheme; and

WHEREAS, the adoption of an administrative regulatory process to review, evaluate, and approve if warranted, applications for small wireless facilities is necessary to protect the public's health, safety, and welfare by complying with federal law and the FCC's order preempting the ability of the City to make certain regulatory decisions, thereby preserving to the maximum extent possible, given the FCC's newly imposed limits on the City's power, the City's ability to regulate the collocation to existing structures and the deployment to new structures; and

WHEREAS, said policies, procedures, standards and limitations are solely due to an order from the Federal Communications Commission and that the Council only agrees to adopt the policies under duress due to said order; and

WHEREAS, the City Council finds that this policy is further consistent with Ojai Municipal Code Section 10-14.010, which states that the City intends to regulate wireless facilities to the maximum extent possible under applicable federal law and regulations; and

WHEREAS, the proposed actions are in compliance with the provisions of the California Environmental Quality Act (CEQA) because this project is categorically exempt from environmental review in accordance with Section 21084 of the California Environmental Quality Act (CEQA) pursuant to Section 15061(b)(3) of the CEQA Guidelines and because the proposed action is not a project under Section 15378(b)(5) of the CEQA Guidelines. A Notice of Exemption is prepared and will be filed in accordance with the CEQA guidelines.

WHEREAS, While the proposed actions may be categorically exempt from environmental review, the Council supports calls for small cell wireless facility-related human health and environmental concerns to be fully investigated by scientists independent of industry prior to any small cell wireless facilities network implementation; and

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Ojai, California, does hereby adopt the following Policies, Procedures, Standards and Limitations for submittal and review of small wireless facilities:

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF OJAI DOES HEREBY RESOLVE AS FOLLOWS:

SECTION 1. Recitals. That the City Council determines that the above set forth recitals are true and correct.

SECTION 2. Definitions. For the purposes of this resolution, certain words and phrases used in this section are defined as follows:

“Base station” means the equipment and non-tower supporting structure at a fixed location that enable FCC-licensed or authorized wireless communications between user equipment and a communications network.

“Collocation” means the mounting or installation of transmission equipment on an eligible support structure for the purpose of transmitting and/or receiving radio frequency signals for communications purposes.

“Director” means the City of Ojai Community Development Director, or designee of the Director.

“Equipment cabinet” means any transmission or other equipment other than an antenna housed within a protective case. An equipment cabinet may be indoors or outdoors, large or small, movable or immovable. Any equipment case with a heat sink or other cooling mechanism for the equipment inside qualifies as an equipment cabinet.

“Non-tower support structure” means any structure (whether built for wireless purposes or not) that supports wireless transmission equipment under a valid permit at the time the applicant submits its application.

