

**CITY OF OJAI
RESOLUTION NO. 20-50**

**A RESOLUTION OF THE CITY COUNCIL OF THE
CITY OF OJAI UPDATING 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 took 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 further, were it permitted under federal law to do so, the City would pause installation of wireless facilities to permit completion of such investigations; and

WHEREAS, the City Council first adopted small wireless facilities regulations on March 26, 2020, in compliance with the FCC's requirements; and

WHEREAS, on August 12, 2020, the Ninth Circuit, in *City of Portland v. United States* (Aug. 12, 2020) ___ F.3d ___ [2020 WL 4669906], vacated the portion of the FCC's Order 189-133 which requires aesthetic regulations on small cells be "no more burdensome" than those applied to other technologies and vacated the requirement that such aesthetic regulations be "objective;" and

WHEREAS, acting under such new authority and under the City's plenary authority and police powers as provided for by the California Constitution, the City Council intends to update this Resolution and its small wireless facilities regulations to better protect the City's community character, aesthetics, and the community's health, safety, and welfare.

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.

“Small wireless facility” means

1. The facilities:
 - a. Are mounted on structures 50 feet or less in height including their antennas, or
 - b. Are mounted on structures no more than 10 percent taller than other adjacent structures, or
 - c. Do not extend existing structures on which they are located to a height of more than 50 feet or by more than 10 percent, whichever is greater; and
 - d. Comply with the applicable height limitation imposed by the Ojai Municipal Code.
2. Each antenna associated with the deployment, excluding associated antenna equipment, is no more than three cubic feet in volume;
3. All other wireless equipment associated with the structure, including the wireless equipment associated with the antenna and any pre-existing associated equipment, is no more than 28 cubic feet in volume;
4. The facilities do not require FAA registration;
5. The facilities are not located on Tribal lands; and
6. The facilities do not result in human exposure to radiofrequency radiation in excess of the applicable safety standards specified in section 1.1307(b).

“Stealth facility” means a wireless communication facility designed and constructed to be integrated into a building, light standard, or other structure, or placed on or within a building or other structure, so that any antennas, equipment cabinets, transmission equipment, or any other apparatus associated with the facility’s function is completely hidden and not visible. Only non-functional, screening material equivalent in appearance to the existing, underlying building, light standard, or other structure may be visible.

“Transmission equipment” means any equipment that facilitates transmission for any FCC-licensed or authorized wireless communication service, including, but not limited to, radio transceivers, antennas and other relevant equipment associated with and necessary to their operation, including coaxial or fiber-optic cable, and regular and backup power supply.

“Wireless” means any FCC-authorized wireless communications service.

“Wireless communication facility” or *“wireless facility”* or *“facility”* means any facility that transmits and/or receives electromagnetic waves, including, but not limited to, commercial wireless communications antennas and other types of transmission equipment for the transmission or receipt of such signals, towers or similar structures supporting said equipment, equipment cabinets and connectors, pedestals, meters, tunnels, vaults, splice box, surface location marker, equipment, equipment buildings, parking areas and other accessory development. The term also means any facility or transmission equipment used to provide any FCC-authorized wireless communications service including, but not limited to, personal wireless services defined by the Telecommunications Act of 1996 and licensed by the FCC, including, but not limited to, the types commonly known as cellular, personal communications services (“PCS”), specialized mobile radio (“SMR”), enhanced specialized mobile radio (“ESMR”), paging, ground based repeaters for satellite radio services, micro-cell antennas, distributed antenna systems (“DAS”) and similar systems.

“Wireless tower” means any structure built for the sole or primary purpose of supporting any FCC-licensed or authorized antennas and their associated facilities.

SECTION 3. Permitting Requirements for Small Wireless Facilities.

1. **Purpose.** This policy is intended to comply with the City’s obligations under 47 C.F.R. section 1.6001 et seq., which implements 47 U.S.C. sections 332(c)(7) and 1455. This policy creates a process for the City to review an application for a small wireless facility permit submitted by an applicant who asserts that a proposed collocation of a small wireless facility using an existing structure or the deployment of a small wireless facility using a new structure, and the modifications of such small wireless facilities, is covered by federal law and to determine whether the City must approve the proposed collocation or deployment.
2. **Applicability.** An applicant seeking approval of a small wireless facility which the applicant contends is within the protection of 47 U.S.C. sections 332(c)(7) and 1455, and 47 C.F.R. section 1.6001 et seq., shall apply for the following at the same time: (i) a small wireless facility permit, (ii) an encroachment permit from the public works department (if required by applicable provisions of the City’s Municipal Code), and (iii) any other permit required by applicable provisions of the Code including, but not limited to, a building permit, an electrical permit, or a tree permit.
3. **Application Content:** An application for a small wireless facility permit may only be submitted in person at Ojai City Hall, 401 S. Ventura Street, Ojai CA 93023, by appointment with the Community Development Department. All applications for a small wireless facility permit must include the following items:

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- a. Application Form. The City's standard application form, available on the City's website or from the community development department, as may be amended.
- b. Application Fee. An application fee of \$500, or such other amount as may be established by the City Council by resolution.
- c. Independent Consultant Deposit. An independent consultant fee deposit of \$500, or such other amount as may be established by the City Council by resolution, to reimburse the City for its costs to retain an independent consultant to review the technical aspects of the application.
- d. Site and Construction Plans. Complete and accurate plans, drawn to scale, signed, and sealed by a California-licensed engineer, land surveyor, and/or architect, which include the following items.
 - i. A site plan and elevation drawings for the facility as existing and as proposed with all height and width measurements explicitly stated.
 - ii. A depiction, with height and width measurements explicitly stated, of all existing and proposed transmission equipment.
 - iii. A depiction of all existing and proposed utility runs and points of contact.
 - iv. A depiction of the leased or licensed area of the site with all rights-of-way and easements for access and utilities labeled in plan view.
 - v. For proposed collocation or deployment to wireless towers, the plans must include scaled plan views and all four (4) elevations that depict the physical dimensions of the wireless tower as it existed on
 - vi. A demolition plan.
- e. Visual Simulations. A visual analysis that includes (1) scaled visual simulations that show unobstructed before-and-after construction daytime and clear-weather views from at least four (4) angles, together with a map that shows the location of each view angle; (2) a color and finished material palette for proposed screening materials; and (3) a photograph of a completed facility of the same design and in roughly the same setting as the proposed wireless communication facility.
- f. Statement Asserting that 47 C.F.R. section 1.6001 et seq. Applies. A written statement asserting that the proposed collocation or deployment meets the federal, state, and City standards and qualifications for a small wireless facility, and explaining why those standards are met.
- g. Prior Permits. True and correct copies of all previously issued permits, including all required conditions of approval and a certification by the applicant that the proposal will not violate any previous permit or conditions of approval or why any violated permit or conditions does not prevent approval under applicable federal law and the Federal Communications Commission's regulation implementing this federal law.
- h. Affirmation of Radio Frequency Standards Compliance. An affirmation, under penalty of perjury, that the proposed installation will be FCC compliant, because it

will not cause members of the general public to be exposed to RF levels that exceed the MPE levels deemed safe by the FCC. A copy of the fully completed FCC form “A Local Government Official’s Guide to Transmitting Antenna RF Emission Safety: Rules, Procedures, and Practical Guidance: Appendix A” titled “Optional Checklist for Determination of Whether a Facility is Categorically Excluded” for each frequency band of RF emissions to be transmitted from the proposed facility upon the approval of the application. All planned radio frequency emissions on all frequency bands must be shown on the Appendix A form(s) attached to the application. All planned radio frequency emissions are to be entered on each Appendix A form only in wattage units of “effective radiated power.”

- i. **Structural Analysis.** A structural analysis, prepared, signed, and sealed by a California-licensed engineer, for the proposed small wireless facility including, but not limited to, equipment, such as air conditioning units and back-up generators; or a written statement signed and sealed by a California-licensed engineer indicating that the proposed facility will not alter the existing noise levels or operational equipment which creates noise.
 - j. **Other Permits.** An application for a small wireless facility permit shall include all permit applications with all required application materials for each and every separate permit required by the City for the proposed collocation or deployment, including a building permit, an encroachment permit (if applicable) and an electrical permit (if applicable).
- 4. Application Review.** Each application for a new or modified small wireless facility permit shall be reviewed by the Community Development Director. The City must approve or deny an application for a small wireless facility permit, together with any other City permits required for a proposed small wireless facility, within sixty (60) days after the applicant submits an application to collocate a small wireless facility using an existing structure, and within ninety (90) days after the applicant submits an application to deploy a small wireless facility using a new or replacement structure. The Director shall provide written notice to all property owners within 500 feet of the site of a proposed small wireless facility upon receipt of an application for a small wireless facility permit.
- 5. Tolling Period.** Unless a written agreement between the applicant and the City provides otherwise, the application review period is tolled if the City notifies the applicant within ten (10) days of the applicant’s submission of the application that the application is materially incomplete and identifies the missing documents or information. The shot clock may again be tolled if the City provides notice within ten (10) days of the application’s resubmittal that it is materially incomplete and identifies the missing documents or information. For an application to deploy small wireless facilities, if the City notifies the applicant on or before the tenth (10th) day after submission that the application is materially incomplete, and identifies the missing documents or information and the rule or regulation creating the obligation to submit such documents or information, the shot clock date calculation will restart at zero on the date the applicant submits a completed application.

6. Standards Governing Approval by Director

- a. The Director shall approve or deny an application to collocate a small wireless facility using an existing structure by evaluating the following standards:
 - i. The existing structure was constructed and maintained with all necessary permits in good standing.
 - ii. The existing structure complies with the height limit of the underlying zone as stated in the zoning district general development standards provided in Chapter 10-2 of the Ojai Municipal Code. For any existing structure not within a zoning district or for proposed facilities on an existing structure within the public right of way, the applicable height limit for the proposed small wireless facility shall be determined based upon the closest zoning district adjacent to the structure's location. In all cases, if there is no specific height limit for the applicable zone, the existing structure must be thirty (30) feet or less in height.
 - iii. Each antenna associated with the deployment, excluding associated antenna equipment, is no more than three cubic feet in volume.
 - iv. All other wireless equipment associated with the structure, including the wireless equipment associated with the antenna and any pre-existing associated equipment serving the facility, is no more than 28 cubic feet in volume.
 - v. The small wireless facilities do not extend the existing structure on which they are located above the height limit set forth in subsection (ii).
 - vi. The small wireless facility does not require an antenna structure registration under part 47 C.F.R. section 17.1 et seq.
 - vii. The small wireless facility is not located on Tribal lands, as defined under 36 C.F.R. section 800.16(x).
 - viii. The proposed collocation is consistent with the wireless facility permit preferred zones and locations requirement of Section 10-14.050.
 - ix. The proposed collocation is consistent with the design and development standards of Section 10-14.050.
 - x. The proposed collocation is consistent with the independent expert review provisions of Section 10-14.070.
 - xi. The proposed collocation would be in the most preferred location and configuration within 250 feet from the proposed site in any direction or the applicant has demonstrated with clear and convincing evidence in the written record that any more-preferred location or configuration within 250 feet would be technically infeasible, applying the preference standards of this section and Section 10-14.050.
 - xii. The proposed collocation is designed as a stealth facility, to the maximum technically feasible extent. All facilities, including all antennas and

antenna support structures and equipment, shall include all technically feasible stealth and concealment techniques given the proposed location, design, visual environment, and nearby uses and/or structures. All equipment shall be placed underground to the maximum extent feasible. All wires, cables, and any other connections shall be completely concealed from public view to the maximum extent feasible. Stealth and concealment techniques acceptable for small wireless facilities do not include incorporating faux-tree designs.

xiii. The applicant has complied with the City's cultural resources protection requirements, as stated in Resolution No. 18-13.

b. The Director must approve an application to deploy a small wireless facility using a new or replacement structure only if each of the following findings can be made:

- i. The new or replacement structure was constructed and maintained with all necessary permits in good standing;
- ii. The new or replacement structure complies with the height limit of the underlying zone as stated in the zoning district general development standards provided in Chapter 10-2 of the Ojai Municipal Code. For any new or replacement structure not within a zoning district or for proposed facilities on a new or replacement structure within the public right of way, the applicable height limit for the proposed small wireless facility shall be determined based upon the closest zoning district adjacent to the structure's location. In all cases, if there is no specific height limit for the applicable zone, the new or replacement structure must be thirty (30) feet or less in height.
- iii. Each antenna associated with the deployment, excluding associated antenna equipment, is no more than three cubic feet in volume;
- iv. All other wireless equipment associated with the facility, including the wireless equipment associated with the antenna and any pre-existing equipment associated with the facility, is no more than 28 cubic feet in volume;
- v. The small wireless facility does not require an antenna structure registration under part 47 C.F.R. section 17.1 et seq.
- vi. The small wireless facility is not located on Tribal lands, as defined under 36 C.F.R. section 800.16(x);
- vii. The proposed facility is consistent with the wireless facility permit preferred zones and locations requirement of Section 10-14.050.
- viii. The proposed facility is consistent with the design and development standards of Section 10-14.050.
- ix. The proposed facility is consistent with the independent expert review provisions of Section 10-14.070.

- x. The proposed facility would be in the most preferred location and configuration within 250 feet from the proposed site in any direction or the applicant has demonstrated with clear and convincing evidence in the written record that any more-preferred location or configuration within 250 feet would be technically infeasible, applying the preference standards of this section and Section 10-14.050.
 - xi. The proposed collocation is designed as a stealth facility, to the maximum technically feasible extent. All facilities, including all antennas and antenna support structures and equipment, shall include all technically feasible stealth and concealment techniques given the proposed location, design, visual environment, and nearby uses and/or structures. All equipment shall be placed underground to the maximum extent feasible. All wires, cables, and any other connections shall be completely concealed from public view to the maximum extent feasible. Stealth and concealment techniques acceptable for small wireless facilities do not include incorporating faux-tree designs.
 - xii. The applicant has complied with the City's cultural resources protection requirements, as stated in Resolution No. 18-13.
- c. **Small Cell Location and Configuration Preferences.** The City prefers that small wireless facilities in the public right of way or in the equivalent right of way on homeowners' association owned lands and private streets be configured on the following support structures, in order of preference from most to least preferred: existing or replacement stealth street light standard; existing or replacement stealth concrete or steel utility pole; existing or replacement stealth wood utility pole; new stealth street light standard; new stealth utility pole. The City prefers that small wireless facilities outside the public right of way be stealth facilities and be configured on the following support structures, in order of preference from most to least preferred: on existing, approved wireless facility support structures operating in compliance with the Municipal Code; on existing buildings or non-tower structures; on existing or replacement utility poles or towers; in new towers meeting the height requirements of the applicable FCC regulations.
- d. Notwithstanding the location guidelines in Ojai Municipal Code section 10-14.050(b)(1), no new small wireless facility shall be located or modified within the City on any property, including the public-right-of way, without the issuance of a permit as required by this policy as set forth in the table below, unless an exception is necessary to comply with federal or state law and the applicant applies for and receives an exception to such requirement under Ojai Municipal Code section 10.14.120. Such permit shall be in addition to any other permit required pursuant to the Ojai Municipal Code. Further, no small wireless facility shall be located or modified within the City within 100' feet of any residentially zoned property.

Description of Type of Small Wireless Facility	Located on Private Property		Located in the Public Right of Way ¹	Located in the Public Right of Way ¹
	Residential Zoning Districts	All Other Zoning Districts	Non-Residential Zoning Districts	Residential Zoning Districts
Roof-mounted facility, building-mounted facility, or facility mounted on an existing utility or other pole	Not Permitted	Small Wireless Facility Permit Required	Small Wireless Facility Permit Required	Not Permitted
Facility mounted on a new or replacement utility or pole or new telecommunications tower	Not Permitted	Small Wireless Facility Permit Required	Small Wireless Facility Permit Required	Not Permitted
Other new small wireless facility	Not Permitted	Small Wireless Facility Permit Required	Small Wireless Facility Permit Required	Not Permitted

¹ For any public right of way not within a zoning district, the location of a wireless telecommunication facility shall be determined based upon the closest district adjacent to the facility's location.

7. **Conditions of Approval for Small Wireless Facility Permits.** In addition to any other conditions of approval permitted under federal and state law and the Municipal Code that the Director deems appropriate or required under the Code, all small wireless facility permits issued by the City or deemed approved by operation of law shall include the following conditions of approval:
- a. **No Automatic Renewal.** The grant or approval of a small wireless facility permit shall not renew or extend the underlying permit term.
 - b. **Compliance with Previous Approvals.** The grant or approval of a small wireless facility permit shall be subject to the conditions of approval of the underlying permit.
 - c. **As-Built Plans.** The applicant shall submit to the Director an as-built set of plans and photographs depicting the entire small wireless facility as modified, including

- all transmission equipment and all utilities, within ninety (90) days after the completion of construction.
- d. Indemnification. To the fullest extent permitted by law, the applicant and any successors and assigns, shall defend, indemnify and hold harmless City, its employees, agents and officials, from and against any liability, claims, suits, actions, arbitration proceedings, regulatory proceedings, losses, expenses or costs of any kind, whether actual, alleged or threatened, including, but not limited to, actual attorney fees, litigation expenses and court costs of any kind without restriction or limitation, incurred in relation to, as a consequence of, arising out of or in any way attributable to, actually, allegedly or impliedly, in whole or in part, related to the wireless facility minor modification permit and the issuance of any permit or entitlement in connection therewith. The applicant shall pay such obligations as they are incurred by City, its employees, agents and officials, and in the event of any claim or lawsuit, shall submit a deposit in such amount as the City reasonably determines necessary to protect the City from exposure to fees, costs or liability with respect to such claim or lawsuit.
 - e. Compliance with applicable laws. The applicant shall comply with all applicable provisions of the City's Municipal Code, any permit issued under the Code, and all other applicable federal, state, and local laws. Any failure by the City to enforce compliance with any applicable laws shall not relieve any applicant of its obligations under the Municipal Code, any permit issued under the Code, or all other applicable laws and regulations.
 - f. Compliance with approved plans. The proposed project shall be built in compliance with the approved plans on file with the Planning Division.
 - g. Violations. The small wireless facility shall be developed, maintained, and operated in full compliance with the conditions of the small wireless facility permit, any other applicable permit, and any law, statute, ordinance or other regulation applicable to any development or activity on the site. Failure of the applicant to cease any development or activity not in full compliance shall be a violation of these conditions. Any violation of the Code, the conditions of approval for the wireless facility minor modification permit, or any other law, statute, ordinance or other regulation applicable to any development or activity on the site may result in the revocation of this permit. The remedies specified in this section shall be cumulative and the City may resort to any other remedy available at law or in equity and resort to any one remedy shall not cause an election precluding the use of any other remedy with respect to a violation.
 - h. In the event that a court of competent jurisdiction invalidates or limits, in part or in whole, Title 47, United States Code, section 1455 or the Federal Communications Commission's Declaratory Ruling and Report and Order (FCC 18-133) adopting 47 C.F.R. section 1.6001 et seq., such that such statute or order would not mandate approval for the small wireless facility granted or deemed granted under this resolution, such permit shall automatically expire ninety (90) days from the date of that opinion.

- i. The grant, deemed-grant or acceptance of a small wireless facility permit shall not waive and shall not be construed or deemed to waive the City's standing in a court of competent jurisdiction to challenge Title 47, United States Code, section 1455 1455 or the Federal Communications Commission's Declaratory Ruling and Report and Order (FCC 18-133) adopting 47 C.F.R. section 1.6001 et seq. or any small wireless facility permit issued pursuant to Title 47, United States Code, section 1455, the Federal Communications Commission's Declaratory Ruling and Report and Order (FCC 18-133) adopting 47 C.F.R. section 1.6001 et seq., or the City's Municipal Code.

8. Small Wireless Facility Permit Denial Without Prejudice.

- a. Grounds for denial without prejudice. The Director may deny without prejudice an application for a small wireless facility permit in any of the following circumstances:
 - i. The Director cannot make all findings required for approval of a small wireless facility permit;
 - ii. The proposed collocation or deployment would cause the violation of an applicable law protecting public health or safety;
 - iii. the proposed collocation or deployment involves the removal and replacement of an existing facility's entire supporting structure; or
 - iv. the proposed collocation or deployment does not qualify for mandatory approval under Title 47, United States Code, section 1455, as may be amended or superseded, and as may be interpreted by any order of the Federal Communications Commission or any court of competent jurisdiction.
- b. Procedures for denial without prejudice. All small wireless facility permit application denials shall be in writing and shall include (i) the decision date; (ii) a statement that the City denies the permit without prejudice; (iii) a short and plain statement of the basis for the denial; and (iv) that the applicant may submit the same or substantially the same permit application in the future.
- c. Submittal after denial without prejudice. After the Director denies a small wireless facility permit application, and subject to the generally applicable permit application submittal provisions in this chapter, an applicant shall be allowed to:
 - i. submit a new small wireless facility permit application for the same or substantially the same proposed collocation or deployment;
 - ii. submit a new small wireless facility permit application for the same or substantially the same proposed collocation or deployment; or
 - iii. submit an appeal of the Director's decision.
- d. Costs to review a denied permit. The City shall be entitled to recover the reasonable costs for its review of any small wireless facility permit application. In

the event that the Director denies a small wireless facility permit application, the City shall return any unused deposit fees within sixty (60) days after a written request from the applicant. An applicant shall not be allowed to submit a small wireless facility permit application for the same or substantially the same proposed modification unless all costs for the previously denied permit application are paid in full.

SECTION 4. Environmental Determination.

The City Council determines this Resolution is exempt from review under the California Environmental Quality Act (CEQA). Pursuant to section 15061(b)(3) of the CEQA Guidelines, CEQA applies only to projects which have the potential for causing a significant effect on the environment. This policy will not result in a significant foreseeable environmental impact. To the extent this Resolution is determined to be a project within the meaning of CEQA, it is categorically exempt under CEQA Guidelines section 15301 (Existing Facilities) and CEQA Guidelines section 15311 (Accessory Structures).

SECTION 5. The City Clerk shall certify to the passage of this resolution and enter it into the book of original resolutions.

PASSED, APPROVED and ADOPTED this 22nd day of September 2020 by the following vote:

Ayes: Blatz, Francina, Johnson, Weirick
Noes: Haney
Abstain: None
Absent: None

CITY OF OJAI, CALIFORNIA



John F. Johnston, Mayor

9-23-2020
Date signed

ATTEST:


Gail Davis, Deputy City Clerk

APPROVED AS TO FORM:


Matthew T. Summers, City Attorney