

**NOTICE: Addendum to the Wireless Telecommunications Ordinance will be proposed at the City Council public hearing on April 6, 2010.**

At the public hearing on Tuesday, April 6, 2010 for consideration of the Wireless Telecommunications Facility Ordinance, staff will present to the Council a proposed addendum. The addendum provides for public hearings to receive public comments regarding the appropriate time, place, and manner of placement for wireless telecommunications facilities in public rights-of-way. Public hearings would be held only in the following limited circumstances:

1. such facilities are proposed for non-preferred zones or historic districts; and
2. the applicant claims there are no feasible alternative sites; and
3. the applicant has made a showing that a significant coverage gap would exist if the facility were prohibited in the proposed location.

There would be certain exceptions to the public hearing requirement.

The addendum , if approved by Council, would be placed in Section 12.08.037.K. to read as follows:

"K. Decision of the Director of Public Works—Public Hearings.

1. For those wireless telecommunications facility encroachment permit applications in non-residential zones, the Director of Public Works may grant such applications administratively, provided all requirements in this code have been fulfilled including but not limited to all of the findings required by this Section 12.08.037.
2. For wireless telecommunications facility encroachment permit applications proposed to be located in non-preferred zones or historic districts, the Director of Public Works shall hold a public hearing, at the applicant's cost and expense, for the purpose of receiving public comments regarding considerations related to the appropriate time, place, and manner of such facility; unless the facility is proposed to be co-located on a base facility which has met the requirements of GC 65850.6. In case of said public hearing, the Director of Public Works shall set the matter for public hearing and notify the City Clerk of the hearing date. The City Clerk shall provide a public hearing notice which shall contain the date, time and place of the hearing, the general nature of the proposed wireless telecommunications facility encroachment permit, and the street address or legal description of the property involved. The notice shall be given in the manner established in Section 30.61.010 of this Code for wireless telecommunications facilities permits.
3. The decision of the Director of Public Works shall become final fifteen days following the date of the decision unless an appeal to the City Council is filed pursuant to Chapter 2.88 of this Code."

The rest of Section 12.08.037 would be re-numbered.