



# Wireless

## Proposed Ordinance

Planning Commission  
August 9, 2022



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# Background

March 15, 2018 Planning Commission Meeting:

Staff recommendation to the Planning Commission to deny 10 of the 13 small cell applications. The applicant (ExteNet) then withdrew 12 of the 13 applications. The one that was not withdrawn (277 Mar Vista Drive @ 7 Cuesta Vista Drive) was recommended for approval by the staff. Public comment was received from 38 members of the public in opposition and the Planning Commission denied the application.

April 4, 2018: Susan Nine forwarded the Monterey Vista Neighborhood Association re-draft of the City's wireless ordinance.



# Background

April 17, 2018 City Council Meeting:

Direct the Planning Commission to: 1) Consider Options for Strengthening the City's Wireless Application Requirements; and 2) Make a Recommendation to the City Council that is Consistent with Federal Regulations

June 26, 2018: Planning Commission recommended the City Council create a wireless subcommittee



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# Background

July 17, 2018 City Council received a report on the risks of a moratorium ordinance.

Council discussed; directed staff to: expedite an amendment of the current ordinance with advice of a subcommittee; Come back to the Council on August 7, 2018 meeting with a plan for the ordinance to approved in November or December and a timeline for ordinance process; and when feasible, pursue incremental modifications to the Ordinance

August 7, 2018: City Council appointed a Wireless Subcommittee



# Background

August 23, 2018

August 30, 2018

September 6, 2018

September 12, 2018

September 13, 2018

September 18, 2018 – City Council authorized joining a coalition of communities represented by Best, Best & Krieger (Joe VanEaton, Esq.) to challenge the FCC proposed orders that will, among other things, limit local control over small cell facilities and drastically reduce wireless permitting timelines. This case is commonly referred to as the Portland litigation.



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# Background

September 19, 2018 – recommended ordinance changes to the  
Planning Commission

September 25, 2018 – ordinance changes considered by the  
Planning Commission

October 1, 2018

October 18, 2018 – City Council adopts ordinance changes

October 19, 2018

October 26, 2018

October 29, 2018





# Background

October 29, 2018

November 2, 2018

November 9, 2018

November 16, 2018

November 19, 2018

November 27, 2018 Planning Commission approved wireless checklist.

November 30, 2018

December 7, 2018



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# Background

December 10, 2018

December 17, 2018

December 21, 2018

May 17, 2019 – encroachment ordinance introduction

July 8, 2019 – further encroachment ordinance discussion and  
changes to wireless ordinance

July 9, 2019

September 5, 2019



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# Background

September 6, 2019 (4-1 vote to recommend ordinance to the planning commission)

October 15, 2019, staff request Council dissolve wireless subcommittee:

A motion was introduced by Councilmember Albert, and seconded by Councilmember Haffa, to postpone dissolving the Dissolve Wireless Telecommunications Subcommittee for 45 days with the intent that the committee will have the chance to see the final wireless ordinance and the encroachment ordinance before they go to the Planning Commission. Councilmember Smith offered an amendment to make the timeline "up to 45 days," which was approved by the mover and seconder.



# Background

December 4, 2019

December 5, 2019

December 17, 2019, the City Council dissolved the subcommittee

February 4, 2020 Council passes encroachment ordinance. This ordinance requires undergrounding of all utilities, telecommunications and non-telecommunications, in all new development and for existing utilities that are part of a redevelopment project.

August 12, 2020 – 9th Circuit ruling in the Portland matter.

September 28, 2020 – Coalition of Cities (including Monterey) Petition for the full appellate court to review the ruling in the Portland litigation.



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# Background

October 22, 2020 – 9th Circuit denied request to review ruling in the Portland litigation

March 22, 2021 – Coalition of Cities petition the United States Supreme Court for review of the ruling in the Portland litigation.

June 28, 2021 – United States Supreme Court denies request to review 9th Circuit decision in the Portland litigation.

April 26, 2022 – Planning Commission meeting on the wireless subcommittee's draft ordinance.

June 28, 2022 Planning Commission meeting was cancelled because, sadly, Joe VanEaton, Esq. died.

August 9, 2022 Planning Commission meeting





## Purpose of Tonight's Meeting

Open Hearing for Public Comment

Discuss Ordinance

Ultimately, make a recommendation to the City Council



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