

RESOLUTION

WHEREAS, any official position of the City of Los Angeles with respect to legislation, rules, regulations, or policies proposed to or pending before a local, state, or federal governmental body or agency must first have been adopted in the form of a Resolution by the City Council with the concurrence of the Mayor; and

WHEREAS, AB 162 (Holden) would prohibit a local government from denying an eligible facilities request, for a modification of existing wireless telecommunications facility; and

WHEREAS, AB 162 defines 'eligible facilities request' to mean any request for modification of an existing wireless telecommunications facility that involves any of the following: (a) collocation of upgraded transmission equipment, (b) removal of transmission equipment, (c) replacement of transmission equipment; and

WHEREAS, AB 162 would require a local government to act on an eligible facilities request within 45 days of receipt of a request, and the failure to act within 45 days of receipt of a request shall be deemed an approval of the request, and the 45 days will be tolled if the request is determined to be incomplete; and

WHEREAS, AB 162 defines 'Wireless Telecommunications Facility' to mean equipment and network components, including towers, utility poles, transmitters, base stations, and emergency power systems that are integral to providing wireless telecommunications services; and

WHEREAS, the Planning Department requires a Conditional Use Permit and a California Environmental Quality Act (CEQA) clearance for the collocation of wireless facilities and that process always takes longer than 45 days, and this is of concern because it will be detrimental if the City began to get penalized for projects that take longer than 45 days; and

WHEREAS, land use planning must be aligned to achieve a City that promotes the unique character and scale of our neighborhoods in a responsible way, but the City cannot do this if the State asserts a one-size fits-all for every City and County in the State; and

WHEREAS, authority over land use planning and zoning laws is the most fundamental of local issues and the City must maintain the ability to make decisions that make sense for local communities and neighborhoods;

NOW THEREFORE BE IT RESOLVED, with the concurrence of the Mayor, that by the adoption of this Resolution, the City of Los Angeles hereby includes in its 2013-14 State Legislative Program **OPPOSITION** to AB 162 (Holden), which would require local government to approve a request to modify wireless telecommunications facilities within 45 days of receipt, inasmuch as it undermines local land use control, and ultimately, the principle of home rule.

PRESENTED BY: 
PAUL KORETZ
Councilmember, 5th District

SECONDED BY: 

APR 3 2013