

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, California law allows local jurisdictions to establish and enforce a wide range of police powers, including regulatory land use control through planning, zoning, and building ordinances in order to protect public health, safety and welfare; and

WHEREAS, new wireless technologies function based on an infrastructure that allows for continuous communications, with recent infrastructure advancements reliant on "small cell" equipment which has much shorter ranges and must be deployed in greater density to achieve full coverage; and

WHEREAS, SB 649 (Hueso) would preempt local control over small cell infrastructure by prohibiting local discretionary review of small cell wireless antennas, including equipment collocated on existing structures or located on new poles, structures, or non-pole structures, including those within the public right-of-way and buildings; and

WHEREAS, further, it preempts adopted local land use plans by mandating that "small cells" be allowed in all zones as a use by-right; and

WHEREAS, in addition, SB 649 provides a de facto exemption to the California Environmental Quality Act (CEQA) for the installation of such facilities and precludes consideration by the public of the aesthetic, nuisance, and environmental impacts of these facilities, all of which are of particular importance when the proposed location of facilities is within a residential zone; and

WHEREAS, The measure would limit the rent a local government can charge a wireless company to place a small cell on public property to a "cost-based" fee, contrary to the local government obligation to rent public property in the public's interest and receive fair-market value; and

WHEREAS, this proposal unnecessarily and unconstitutionally strips local authority over public property and shuts out public input and local discretion by eliminating consideration of the aesthetic and environmental impacts of small cells ;

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 2017-18 State Legislative Program OPPOSITION to SB 649 which would provide that a small cell is a permitted use, not subject to a city or county discretionary permit, if the small cell meets specified requirements.

Presented by: Herb Wesson
HERB WESSON, Jr.
Councilmember, 10th District

Seconded by: [Signature]

ORIGINAL

APR 28 2017

PK