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CITY ATTORNEY

REPORT NO. R 1 5 - 0 3 0 6

DEC 0 8 2015

REPORT RE:

**REVISED DRAFT ORDINANCE AMENDING SECTIONS 62.00, 62.08, 62.09 AND
62.10 OF THE LOS ANGELES MUNICIPAL CODE TO REVISE THE
SPECIFICATIONS AND PROCEDURES FOR THE INSTALLATION OF ABOVE
GROUND FACILITIES IN THE PUBLIC RIGHT-OF-WAY**

Honorable City Council
of the City of Los Angeles
Room 395 City Hall
200 North Spring Street
Los Angeles, California 90012

Council File No. 09-2645

Honorable Members:

Pursuant to your request, this Office has prepared, in cooperation with the Department of Public Works, and now transmits for your consideration the enclosed revised draft ordinance, approved as to form and legality. The revised draft ordinance amends Sections 62.00, 62.08, 62.09 and 62.10 of the Los Angeles Municipal Code to revise the specifications and procedures for the installation of Above Ground Facilities (AGF) in the Public Right-of-Way.

This Office transmitted a previous version of the AGF ordinance to you on June 5, 2014, following recommendations from your Public Works & Gang Reduction and Planning and Land Use Management Committees. Since that time, there have been changes in both federal law and state law affecting local regulatory authority for the installation of telecommunications facilities. The enclosed draft ordinance has been revised to take into account these recent changes in federal and state law.

Background and Summary of Ordinance Provisions

Your Honorable Body requested that this Office draft an ordinance to revise the procedure and standards for the approval of Above Ground Facilities installed in the Public Right-of-Way. Accordingly, this Office has prepared a draft ordinance to remove the current exemption for telecommunications antennas installed on utility poles, increase the scope of notification for new AGF installations (including to both property owners and residents), enhance the aesthetic requirements for new AGF installations, require AGF applicants to certify that all wireless communication devices comply with FCC requirements, maintain a limited exemption for certain utility pole-mounted antennas located in commercial and industrial (manufacturing) zones, and provide an exemption for Small Cell antennas as they become more commercially available.

Lastly, the enclosed draft ordinance includes changes intended to improve the efficiency of the AGF process (in anticipation of future developments in the expansion of broadband and telecommunications infrastructure in the City, including the CityLinkLA project) while balancing appropriate time, place and manner oversight by the City along with public input for AGF installations in the Public Right-of-Way.

CEQA Exemption

The enclosed draft ordinance is categorically exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to Title 14, Chapter 3 of the California Code of Regulations Section 15308 (Class 8) – Actions by Regulatory Agencies for Protection of the Environment, which includes actions taken to assure the maintenance, restoration, enhancement or protection of the environment. If the Council chooses to adopt the draft ordinance, it should also find that it is exempt from the provisions of CEQA pursuant to the above-cited section.

Council Rule 38 Referral

Significant input has already been received from impacted City departments during the preparation of the enclosed draft ordinance. In addition, a copy of the revised draft ordinance was sent, pursuant to Council Rule 38, to the Department of Water and Power, the Department of Cultural Affairs, the Planning Department, and the Department of Public Works with a request that all additional comments, if any, be presented directly to the City Council or its Committees when this matter is considered.

If you have any questions regarding this matter, please contact Assistant City Attorney Edward M. Jordan at (213) 978-8199. He or another member of this Office will be present when you consider this matter to answer any questions you may have.

Very truly yours,

MICHAEL N. FEUER, City Attorney

By 
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DM:EMJ:ac
Transmittal