

CITY OF LOS ANGELES
CALIFORNIA

JUNE LAGMAY
City Clerk

HOLLY L. WOLCOTT
Executive Officer

When making inquiries relative to
this matter, please refer to the
Council File No.



ANTONIO R. VILLARAIGOSA
MAYOR

Office of the
CITY CLERK

Council and Public Services
Room 395, City Hall
Los Angeles, CA 90012
General Information - (213) 978-1133
Fax: (213) 978-1040

SHANNON HOPPE
Council and Public Services
Division

www.cityclerk.lacity.org

May 2, 2013

To All Interested Parties:

The City Council adopted the action(s), as attached, under Council File No. 13-0002-S50, at its meeting held April 26, 2013.

A handwritten signature in cursive script that reads 'June Lagmay'.

City Clerk
srb

Mayor's Time Stamp
OFFICE OF THE MAYOR
RECEIVED
2013 APR 26 PM 2:29
CITY OF LOS ANGELES

City Clerk's Time Stamp
CITY CLERK'S OFFICE
2013 APR 26 PM 2:29
CITY CLERK
BY _____
DEPUTY

FORTHWITH

SUBJECT TO THE MAYOR'S APPROVAL

COUNCIL FILE NO. 13-0002-S50

COUNCIL DISTRICT _____

COUNCIL APPROVAL DATE April 26, 2013

RE: CITY'S POSITION TO OPPOSE ASSEMBLY BILL 162 (HOLDEN), WHICH WOULD REQUIRE LOCAL GOVERNMENT TO APPROVE A REQUEST TO MODIFY WIRELESS TELECOMMUNICATIONS FACILITIES WITHIN 45 DAYS OF RECEIPT

LAST DAY FOR MAYOR TO ACT MAY 06 2013
(10 Day Charter requirement as per Charter Section 341)

DO NOT WRITE BELOW THIS LINE - FOR MAYOR USE ONLY

APPROVED

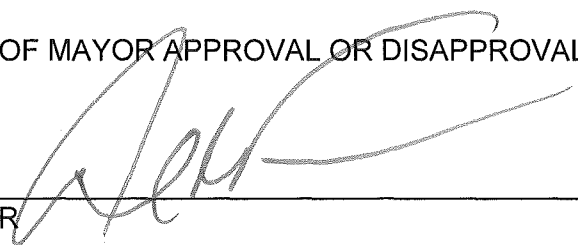
*DISAPPROVED

*Transmit objections in writing pursuant to Charter Section 341

DATE OF MAYOR APPROVAL OR DISAPPROVAL

MAY 01 2013

MAYOR



RECEIVED
CITY CLERK'S OFFICE
2013 MAY -2 AM 9:13
BY _____
CITY CLERK
DEPUTY



Council Action

The City Council ADOPTED the following recommendation(s), contained in a COMMUNICATION FROM THE CHIEF LEGISLATIVE ANALYST which was WAIVED, pursuant to Council Rule 17, by the Chair of the Rules, Elections and Intergovernmental Relations Committee, SUBJECT TO THE CONCURRENCE OF THE MAYOR:

ADOPT the accompanying RESOLUTION to include in the City's 2013-14 State Legislative Program, OPPOSITION to Assembly Bill 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.

Council File No. 13-0002-S50

ADOPTED

APR 26 2013

LOS ANGELES CITY COUNCIL

MAYOR WITH FILE

TO THE MAYOR FORTHWITH

13_0002_550

APR 3 2013

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.


ADOPTED

APR 26 2013

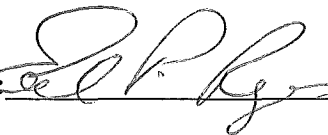
LOS ANGELES CITY COUNCIL



PRESENTED BY:


PAUL KORETZ
Councilmember, 5th District

SECONDED BY:



ORIGINAL

rrm

MAYOR WITH FILE