

R4
RESOLUTION RULES, ELECTIONS & INTERGOVERNMENTAL RELATIONS

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 have first been adopted in the form of a Resolution by the City Council with the concurrence of the Mayor; and

WHEREAS, on December 2, 2014, AB 57 (Quirk), was introduced, and was subsequently amended on March 26, 2015 and April 6, 2015, which would provide that a collocation or siting application for a new wireless telecommunications facility is 'deemed approved' if the city or county fails to approve or disapprove the application within the time periods established by the Federal Communications Commission (FCC) and all required public notices have been provided regarding the application; and

WHEREAS, AB 57 notes that in 2009 the FCC adopted rules that require local governments to review and act on applications for the establishment of wireless communications facilities in *In re Petition for Declaratory Ruling, 24 FCC Rcd. 13994 (2009)*, and under the ruling cities have 90 days to review collocation applications and 150 days for other siting applications for new wireless telecommunication facilities, however, the FCC in its rules specifically declined to make these applications 'deemed approved' if a city fails to meet the 90 or 150 day deadlines; and

WHEREAS, AB 57 does not distinguish between a wireless telecommunications facility in the public right of way or on private property, and community members have long advocated for the local adoption of regulations to govern the placement of cellular installations on the public right of way; and

WHEREAS, AB 57 notes that wireless communication facilities is 'not a municipal affair' and rather a 'matter of statewide concern,' and thereby, undermining local control inasmuch as the legislation includes 'charter cities;' and

WHEREAS, enactment into law of AB 57 would undermine local land use control, inasmuch as the city processes thousand of land use entitlement requests, and the 90 day limitation is not appropriate/realistic given the caseload and processing times necessary to meet other statutory requirements (e.g. public hearings, environmental clearance, public notification); and

WHEREAS, AB 57 is opposed by the League of California Cities, the California State Association of Counties, and the California Chapter of the American Planning Association;

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 2015-16 State Legislative Program **OPPOSITION** to AB 57 (Quirk), which would unnecessarily and detrimentally impact the city's authority to regulate the placement of wireless telecommunications facilities, inasmuch as it would 'deemed approved' wireless facilities not approved by the city within 90 days for collocation, and 150 days for new wireless facilities, and thereby undermine the principle of home rule, and ultimately land use control.


COUNCIL MEMBER MIKE BONIN

PRESENTED BY: 
PAUL KORETZ
Councilmember, 5th District

SECONDED BY: 

ORIGINAL
JUN - 9 2015