

**RESOLUTION NO. 6403**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GARDENA  
ADOPTING A POLICY REGARDING WIRELESS FACILITIES AS SET  
FORTH IN GARDENA MUNICIPAL CODE SECTION 18.70.010**

**WHEREAS**, pursuant to Article XI, section 7 of the California Constitution and sections 36931 *et seq.* of the California Government Code, the City Council may make and enforce within its limits all local, police, sanitary and other ordinances and regulations not in conflict with general laws;

**WHEREAS**, the City of Gardena (the "City") has not previously adopted detailed design regulations applicable to wireless telecommunications facilities, but has generally required site plan review in accordance with the provisions in Gardena Municipal Code Chapter 18.44 for wireless facilities on public and private property within the City's territorial and jurisdictional boundaries; and

**WHEREAS**, significant changes in federal and State law that affect local authority over wireless facilities have occurred which caused the current regulatory scheme to be out of compliance; and

**WHEREAS**, on July 23, 2019 the City Council adopted Urgency Ordinance No. 1805, relating to wireless facilities; and

**WHEREAS**, Section 18.70.010 of the Urgency Ordinance provides that wireless facilities will be regulated by a policy adopted by resolution of the City Council; and

**WHEREAS**, on July 23, 2019 the City Council also adopted Resolution No. 6391 which adopted a Wireless Facilities policy; and

**WHEREAS**, on October 22, 2019 the City Council held a duly noticed public hearing on the same provisions that were adopted in Urgency Ordinance No. 1805 and on the policy; and

**WHEREAS**, in an abundance of caution, the City Council is readopting the Policy that was previously authorized under the Urgency Ordinance; and

**WHEREAS**, the regulations, procedures, design standards, standard conditions, and other provisions set forth in the Wireless Policy attached hereto as Exhibit A are necessary to protect the public health, safety, welfare, and aesthetic interests, and the enforcement thereof will not result in the imposition of excessive costs on operators and users of wireless telecommunications services, nor does the policy materially limit a person's ability to receive wireless telecommunications services or create unfair competition among wireless telecommunications service providers.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF GARDENA, CALIFORNIA DOES HEREBY RESOLVE AS FOLLOWS:**

**SECTION 1. FINDINGS.** The above recitals are true and correct and are incorporated herein by this reference.

**SECTION 2. ADOPTION.** The City Council hereby adopts the Wireless Facility Policy attached hereto as Exhibit A. This policy may be amended as deemed necessary from time-to-time by Resolution of the City Council.

**SECTION 3. EFFECTIVE DATE.** This Resolution shall take effect upon the effective date of Ordinance No. 1806. A full copy of the Resolution shall be made available in the Department of Public Works, the Department of Community Development, and the City Clerk's office.

**SECTION 4. CEQA.** Pursuant to California Environmental Quality Act ("CEQA") Guidelines § 15378 and California Public Resources Code § 21065, the City Council finds that the adoption of this Policy is not a "project" because its adoption is not an activity that has the potential for a direct physical change or reasonably foreseeable indirect physical change in the environment. Accordingly, the Resolution adopting this policy is not subject to CEQA. Even if this Policy qualified as a "project" subject to CEQA, the City Council finds that, pursuant to CEQA Guidelines § 15061(b)(3), there is no possibility that this project will have a significant impact on the physical environment. Without this Policy there would be no protection for the public health, safety and welfare as there would be no regulations relating to aesthetics or location. Accordingly, the City Council finds that adoption of this policy is exempt from CEQA under the general rule.

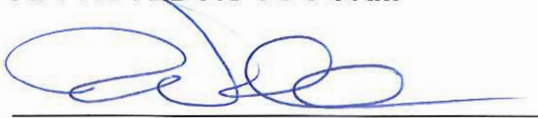
**PASSED, APPROVED and ADOPTED** on October 22, 2019 at a regular meeting of the City Council of the City of Gardena by the following vote:

**AYES:  
NOES:  
ABSENT:**



Tasha Cerda, Mayor  
City of Gardena, California

**APPROVED AS TO FORM**



Peter L. Wallin, City Attorney  
City of Gardena, California

**ATTEST**

A handwritten signature in blue ink, reading "Mina Semenza", written over a horizontal line.

Mina Semenza, City Clerk  
City of Gardena, California

STATE OF CALIFORNIA            )  
COUNTY OF LOS ANGELES       ) SS:  
CITY OF GARDENA                )

I, **MINA SEMENZA**, City Clerk of the City of Gardena, do hereby certify that the whole number of members of the City Council of said City is five; that the foregoing Resolution, being **Resolution No. 6403** duly passed and adopted by the City Council of said City of Gardena, approved and signed by the Mayor of said City, and attested by the City Clerk, all at a regular meeting of said City Council held on the **22<sup>nd</sup> day of October, 2019**, and that the same was so passed and adopted by the following roll call vote:

AYES:       COUNCIL MEMBERS TANAKA AND MEDINA, MAYOR PRO TEM KASKANIAN,  
              COUNCIL MEMBER HENDERSON AND MAYOR CERDA

NOES:       NONE

ABSENT:     NONE

*for* Becky Romero  
City Clerk of the City of Gardena, California

(SEAL)