

RESOLUTION NO. 2007-25

A RESOLUTION OF THE CITY COUNCIL OF THE  
CITY OF HUNTINGTON BEACH EXTENDING INTERIM  
ORDINANCE NO. 3766 FOR SIX MONTHS

WHEREAS, on March 5, 2007, the City Council adopted a 45-day moratorium on the installation of wireless telecommunication facilities in locations other than the public right-of-way; and

Pursuant to Government Code Section 65858 Interim Ordinance No. 3766 may be extended for up to ten months and 15 days upon notice and public hearing; and

At least ten (10) days prior to April 16, 2007, the City Clerk has caused to be published in a newspaper of general circulation a notice advising that on April 16, 2007 at 6:00 p.m. or as soon thereafter, the City Council will consider extending Interim Ordinance 3766; and

Since adoption of Interim Ordinance No. 3766 on March 5, 2007, the City has taken steps to alleviate the conditions that led to the adoption of Interim Ordinance No. 3766, which steps are included in the Report of the City Council of the City of Huntington Beach dated April 2, 2007, which is attached hereto as Exhibit A; and

Based upon the current state of the law, if a temporary moratorium is not established, wireless telecommunications facilities could be installed, constructed or modified without complying with the proposed regulations that are consistent with the requirements of State and Federal law. This could lead to wireless telecommunications facilities which:

1. Create land use incompatibilities;
2. Create visual and aesthetic blight or view interference due to excessive size, height, or absence of camouflaging;
3. Create traffic and pedestrian safety hazards due to unsafe location of poles, towers, equipment cabinets or other materials or construction, particularly in public right-of-way locations;
4. Reduce property values;
5. Create operational conflicts with other land use or facilities authorized or existing on the same or neighboring sites; or
6. Deteriorate the quality of life in a particular community or neighborhood.

NOW, THEREFORE, the City Council of the City of Huntington Beach does hereby resolve as follows:

1. The City Council of the City of Huntington Beach finds that the potential effects from the installation, construction, or modification of additional wireless telecommunications facilities constitute a current and immediate threat to the public safety, health and welfare. The City Council further declares that it is unclear whether the City can regulate wireless telecommunications facilities in the rights-of-way solely on the basis of aesthetics. It is therefore, the City's intention to prepare and adopt, within a reasonable time, revised regulations which will comply with the requirements of State and Federal law and are consistent with current case law to avoid any legal challenge from the enforcement of the Huntington Beach Municipal Code or the Zoning and Subdivision Ordinance.

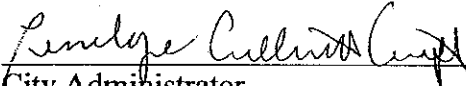
2. The Report of the City Council of the City of Huntington Beach dated April 2, 2007, which is attached herein as Exhibit A is approved and adopted.

3. Interim Ordinance No. 3766 shall be extended to up and including October 16, 2007, to permit City staff to present appropriate regulations consistent with the requirements of State and Federal law to the appropriate legislative bodies.

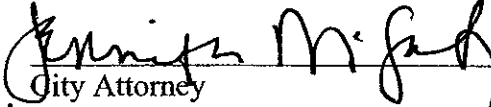
PASSED AND ADOPTED by the City Council of the City of Huntington Beach at a regular meeting thereof held on the 16th day of April, 2007.

  
\_\_\_\_\_  
Mayor

REVIEWED AND APPROVED:

  
\_\_\_\_\_  
City Administrator

INITIATED AND APPROVED AS TO FORM:

  
\_\_\_\_\_  
City Attorney  
4.2.07 LM3/30/07