



Legislation Text

File #: 2017-573, Version: 1

Report to Mayor and City Council

Tuesday, July 18, 2017

Consent

SUBJECT:

**SB 649 (HUESO) WIRELESS TELECOMMUNICATIONS FACILITIES - OPPOSITION
LETTER (CITY COUNCIL)**

I. SUMMARY

State Senate Bill 649 (Hueso) ("SB 649") represents a major shift in telecommunications policy and law by requiring local governments to lease out the public's property to private telecommunications providers; cap how much cities can lease this space out for; and, eliminate the ability for cities to negotiate public benefits or allow public input and full discretionary review for the installation of "small cell" wireless equipment. Staff recommends the preparation of an opposition letter from the City of Carson to this proposed legislation.

II. RECOMMENDATION

AUTHORIZE the Mayor to endorse the letter of opposition.

1.

III. ALTERNATIVES

TAKE another action the City Council deems appropriate.

IV. BACKGROUND

Under existing California law, a small cell wireless telecommunications facility is subject to a city (or county) discretionary permit and is required to comply with specified criteria. SB 649 removes that discretion from local governments by providing that a small cell wireless

facility in a public right of way is a permitted use pursuant to state law.

Comparison of Existing Law and Proposed Law

	Existing Law	Proposed Law
Planning Review	City requires planning review to consider aesthetics, design, nuisance and CEQA impacts.	Will permit the installation of a “small cell” without a planning permit, thereby eliminating CEQA review, and would preclude consideration of aesthetics, design and nuisance impacts.
Permit Requirements	City requires a planning permit and a building permit.	Small cell only be subject to a building permit or administrative permit.
Limited Locations	City requires more restrictive standard and rigorous review for wireless facilities in residential and commercial zones than industrial zones.	Requires small cells to be permitted in all zones.
Fees for Leasing Public Property	City can fully negotiate terms, rates and conditions.	Fees for leasing of public property set at a range of \$250 per year.

Primary Concerns

Financial Limitations

Under existing law, cities charge about \$1,000 - \$2,000 per year to lease space on City-owned utility/traffic poles. SB 649 mandates rates of \$250 per year.

Design Compatibility

SB 649 will allow the placement of wireless facility equipment on any street or sidewalk. By eliminating discretionary review, the bill removes the City’s opportunity to work with the wireless carrier to ensure that common sense measures are taken to minimize the wireless facility’s visual impact on the community.

Legislative Status

- Senate Committee on Energy, Utilities and Communications (4/4/17) - Pass
- Senate Committee on Governance and Finance (4/26/17) - Pass
- Senate Appropriations Committee (5/25/17) - Pass
- Senate (5/31/17) - Pass
- Assembly Local Government Committee (6/28/17) - Pass
- Assembly Communications and Conveyance Committee (7/12/17) - Scheduled

Legislative Opinions

- League of California Cities - Oppose
- California State Association of Counties - Oppose
- California Contract Cities Association - Oppose
- California Chapter of the American Planning Association - Oppose
- California Chapters of the American Public Works Association - Oppose

V. FISCAL IMPACT

NoneVI. EXHIBITS

1. Draft letter of
opposition to Senator Hueso (p. 4)
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