

BOARD of SUPERVISORS



City Hall
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco 94102-4689
Tel. No. 554-5184
Fax No. 554-5163
TDD/TTY No. 544-5227

April 24, 2017

The Honorable Jerry Brown
Governor of California
California State Capitol, Suite 1173
Sacramento, CA 95814

Re: Board of Supervisors Resolution No. 124-17

Dear Governor Brown:


On April 11, 2017, the Board of Supervisors of the City and County of San Francisco adopted Resolution No. 124-17 (Opposing California State Senate Bill 649 (Hueso) - Wireless and Small Cell Telecommunication Facilities), which was enacted on April 21, 2017.

The Board of Supervisors directs the Clerk of the Board to forward the following document to your attention:

- One certified copy of Resolution No. 124-17 (File No. 170354)

If you have any questions or require additional information, please contact the Office of the Clerk of the Board at (415) 554-5184, or by e-mail: board.of.supervisors@sfgov.org.

Sincerely,


Angela Calvillo
Clerk of the Board

- c. Supervisor Mark Farrell
Mayor's Legislative and Government Affairs Director, Nicole Elliott
Mayor's Legislative Liaison to the Board of Supervisors, Mawuli Tugbenyoh
Mayor's Director of State and Federal Legislative Affairs, Kathryn Angotti
City Lobbyists - Shaw/Yoder/Antwih Inc., Paul Yoder, and Karen Lange



City and County of San Francisco

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1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

Certified Copy

Resolution

170354 [Opposing California State Senate Bill 649 (Hueso) - Wireless and Small Cell Telecommunication Facilities]

Sponsor: Farrell

Resolution opposing California State Senate Bill 649, authored by Senator Ben Hueso, which would prevent San Francisco and municipalities throughout the State from having local control over the placement and design of wireless facilities, and preclude localities from charging reasonable fees for the commercial use of municipal assets.

4/11/2017 Board of Supervisors - ADOPTED

Ayes: 11 - Breed, Cohen, Farrell, Fewer, Kim, Peskin, Ronen, Safai, Sheehy, Tang and Yee

4/21/2017 Mayor - RETURNED UNSIGNED

STATE OF CALIFORNIA
CITY AND COUNTY OF SAN FRANCISCO

CLERK'S CERTIFICATE

I do hereby certify that the foregoing Resolution is a full, true, and correct copy of the original thereof on file in this office.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City and County of San Francisco.

April 24, 2017

Date

Angela Calvillo
Clerk of the Board



1 [Opposing California State Senate Bill 649 (Hueso) - Wireless and Small Cell
2 Telecommunication Facilities]

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4 **which would prevent San Francisco and municipalities throughout the State from**
5 **having local control over the placement and design of wireless facilities, and preclude**
6 **localities from charging reasonable fees for the commercial use of municipal assets.**

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8 WHEREAS, California State Senate Bill 649 (SB 649) was introduced in the California
9 State Senate on February 17, 2017; and

10 WHEREAS, SB 649 would provide that wireless facilities, known as "small cells," are
11 not subject to a city or county discretionary permit, if the small cell meets specified State
12 requirements; and

13 WHEREAS, SB 649 would impose a state-mandated local program and take away
14 local control from jurisdictions throughout the State; and

15 WHEREAS, SB 649 would remove local consideration of design, aesthetics, impact on
16 historic and scenic resources, the California Environmental Quality Act, and the structural
17 capability of poles necessary to support these wireless facilities; and

18 WHEREAS, SB 649 would prohibit local governments from requiring discretionary
19 licenses for small cell wireless facilities on existing poles and other infrastructure in the public
20 right-of-way; and

21 WHEREAS, By eliminating local government authority over what will be constructed on
22 and in publicly-owned property and assets and preventing local governments from charging
23 reasonable fees for such use, SB 649 effectively appropriates public property for commercial
24 use; and

1 WHEREAS, The City and County of San Francisco is currently engaged in a local
2 permitting leasing program, which has helped to facilitate the rapid deployment of wireless
3 facilities while protecting public safety and neighborhood aesthetics; and

4 WHEREAS, The City and County of San Francisco has issued more than 900 licenses
5 to install small cell facilities on existing poles in the public right-of-way, while denying fewer
6 than ten percent of the total number of applications submitted; and

7 WHEREAS, SB 649 precludes cities and counties throughout California from charging
8 a reasonable fee for the commercial use of municipal assets, in which the City and County of
9 San Francisco has made and must continue to make considerable investments; and

10 WHEREAS, The San Francisco Public Utilities Commission alone would lose well over
11 \$20 million in anticipated license fees needed to fund improvements, replacements, and repair
12 to the City's street lights, on which such small cells could be installed, if SB 649 were to be
13 approved; and

14 WHEREAS, The City and County of San Francisco would also incur an anticipated loss
15 of \$12 million dollars in fee revenues for the permitting of small cells on overhead transit poles
16 and could prevent San Francisco from negotiating for in-kind communication benefits –
17 including fiber optic cables, which are included in the City's current streetlight pole license
18 agreement and can be used for future Wi-Fi deployment, Smart Cities applications, or other
19 innovative initiatives; and now, therefore be it

20 RESOLVED, That the City and County of San Francisco is committed to working with
21 the private sector to provide fast and reliable wireless access to all of its residents because of
22 the numerous benefits; and be it

23 FURTHER RESOLVED, That the San Francisco Board of Supervisors strongly
24 opposes SB 649 because it would prevent San Francisco and municipalities throughout the
25 State from having local control over the placement and design of wireless facilities; and be it

1 FURTHER RESOLVED, That the San Francisco Board of Supervisors strongly
2 opposes SB 649 because it would preclude localities from charging reasonable fees for the
3 commercial use of municipal assets and would lead to a negative fiscal impact for the City and
4 County of San Francisco; and be it

5 FURTHER RESOLVED, That the San Francisco Board of Supervisors urges the
6 California Legislature and Governor Brown to not approve SB 649; and be it

7 FURTHER RESOLVED, That San Francisco Board of Supervisors hereby directs the
8 Clerk of the Board to deliver a copy of this resolution to the California State Legislature and
9 Governor Jerry Brown.

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City and County of San Francisco
Tails
Resolution

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

File Number: 170354

Date Passed: April 11, 2017

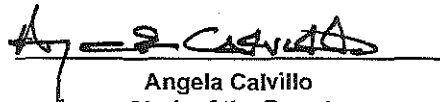
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April 11, 2017 Board of Supervisors - ADOPTED

Ayes: 11 - Breed, Cohen, Farrell, Fewer, Kim, Peskin, Ronen, Safai, Sheehy, Tang and Yee

File No. 170354

I hereby certify that the foregoing Resolution was ADOPTED on 4/11/2017 by the Board of Supervisors of the City and County of San Francisco.


Angela Calvillo
Clerk of the Board

Unsigned
Mayor

4/21/17
Date Approved

I hereby certify that the foregoing resolution, not being signed by the Mayor within the time limit as set forth in Section 3.103 of the Charter, or time waived pursuant to Board Rule 2.14.2, became effective without his approval in accordance with the provision of said Section 3.103 of the Charter or Board Rule 2.14.2.


for Angela Calvillo
Clerk of the Board

4/21/17
Date

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San Francisco 94102-4689
Tel. No. 554-5184
Fax No. 554-5163
TDD/TTY No. 544-5227

April 24, 2017

The Honorable Daniel Alvarez
Secretary of the Senate
California State Senate
California State Capitol, Room 3044
Sacramento, CA 95814

Re: Board of Supervisors Resolution No. 124-17

Dear Secretary Alvarez:


On April 11, 2017, the Board of Supervisors of the City and County of San Francisco adopted Resolution No. 124-17 (Opposing California State Senate Bill 649 (Hueso) - Wireless and Small Cell Telecommunication Facilities), which was enacted on April 21, 2017.

The Board of Supervisors directs the Clerk of the Board to forward the following document to the attention of the California State Senate:

- One certified copy of Resolution No. 124-17 (File No. 170354)

If you have any questions or require additional information, please contact the Office of the Clerk of the Board at (415) 554-5184, or by e-mail: board.of.supervisors@sfgov.org.

Sincerely,


Angela Calvillo
Clerk of the Board

- c. Supervisor Mark Farrell
Mayor's Legislative and Government Affairs Director, Nicole Elliott
Mayor's Legislative Liaison to the Board of Supervisors, Mawuli Tugbenyoh
Mayor's Director of State and Federal Legislative Affairs, Kathryn Angotti
City Lobbyists - Shaw/Yoder/Antwih Inc., Paul Yoder, and Karen Lange



City and County of San Francisco
Certified Copy
Resolution

City Hall
1 Dr. Carlton B. Goodlett Place
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170354

[Opposing California State Senate Bill 649 (Hueso) - Wireless and Small Cell
Telecommunication Facilities]

Sponsor: Farrell

Resolution opposing California State Senate Bill 649, authored by Senator Ben Hueso, which would prevent San Francisco and municipalities throughout the State from having local control over the placement and design of wireless facilities, and preclude localities from charging reasonable fees for the commercial use of municipal assets.

4/11/2017 Board of Supervisors - ADOPTED

Ayes: 11 - Breed, Cohen, Farrell, Fewer, Kim, Peskin, Ronen, Safai, Sheehy, Tang and Yee

4/21/2017 Mayor - RETURNED UNSIGNED

STATE OF CALIFORNIA
CITY AND COUNTY OF SAN FRANCISCO


CLERK'S CERTIFICATE

I do hereby certify that the foregoing Resolution is a full, true, and correct copy of the original thereof on file in this office.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City and County of San Francisco.

April 24, 2017

Date


Angela Calvillo
Clerk of the Board



1 [Opposing California State Senate Bill 649 (Hueso) - Wireless and Small Cell
2 Telecommunication Facilities]

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4 **which would prevent San Francisco and municipalities throughout the State from**
5 **having local control over the placement and design of wireless facilities, and preclude**
6 **localities from charging reasonable fees for the commercial use of municipal assets.**

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8 WHEREAS, California State Senate Bill 649 (SB 649) was introduced in the California
9 State Senate on February 17, 2017; and

10 WHEREAS, SB 649 would provide that wireless facilities, known as "small cells," are
11 not subject to a city or county discretionary permit, if the small cell meets specified State
12 requirements; and

13 WHEREAS, SB 649 would impose a state-mandated local program and take away
14 local control from jurisdictions throughout the State; and

15 WHEREAS, SB 649 would remove local consideration of design, aesthetics, impact on
16 historic and scenic resources, the California Environmental Quality Act, and the structural
17 capability of poles necessary to support these wireless facilities; and

18 WHEREAS, SB 649 would prohibit local governments from requiring discretionary
19 licenses for small cell wireless facilities on existing poles and other infrastructure in the public
20 right-of-way; and

21 WHEREAS, By eliminating local government authority over what will be constructed on
22 and in publicly-owned property and assets and preventing local governments from charging
23 reasonable fees for such use, SB 649 effectively appropriates public property for commercial
24 use; and

25

1 WHEREAS, The City and County of San Francisco is currently engaged in a local
2 permitting leasing program, which has helped to facilitate the rapid deployment of wireless
3 facilities while protecting public safety and neighborhood aesthetics; and

4 WHEREAS, The City and County of San Francisco has issued more than 900 licenses
5 to install small cell facilities on existing poles in the public right-of-way, while denying fewer
6 than ten percent of the total number of applications submitted; and

7 WHEREAS, SB 649 precludes cities and counties throughout California from charging
8 a reasonable fee for the commercial use of municipal assets, in which the City and County of
9 San Francisco has made and must continue to make considerable investments; and

10 WHEREAS, The San Francisco Public Utilities Commission alone would lose well over
11 \$20 million in anticipated license fees needed to fund improvements, replacements, and repair
12 to the City's street lights, on which such small cells could be installed, if SB 649 were to be
13 approved; and

14 WHEREAS, The City and County of San Francisco would also incur an anticipated loss
15 of \$12 million dollars in fee revenues for the permitting of small cells on overhead transit poles
16 and could prevent San Francisco from negotiating for in-kind communication benefits –
17 including fiber optic cables, which are included in the City's current streetlight pole license
18 agreement and can be used for future Wi-Fi deployment, Smart Cities applications, or other
19 innovative initiatives; and now, therefore be it

20 RESOLVED, That the City and County of San Francisco is committed to working with
21 the private sector to provide fast and reliable wireless access to all of its residents because of
22 the numerous benefits; and be it

23 FURTHER RESOLVED, That the San Francisco Board of Supervisors strongly
24 opposes SB 649 because it would prevent San Francisco and municipalities throughout the
25 State from having local control over the placement and design of wireless facilities; and be it

1 FURTHER RESOLVED, That the San Francisco Board of Supervisors strongly
2 opposes SB 649 because it would preclude localities from charging reasonable fees for the
3 commercial use of municipal assets and would lead to a negative fiscal impact for the City and
4 County of San Francisco; and be it

5 FURTHER RESOLVED, That the San Francisco Board of Supervisors urges the
6 California Legislature and Governor Brown to not approve SB 649; and be it

7 FURTHER RESOLVED, That San Francisco Board of Supervisors hereby directs the
8 Clerk of the Board to deliver a copy of this resolution to the California State Legislature and
9 Governor Jerry Brown.

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City and County of San Francisco

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File Number: 170354

Date Passed: April 11, 2017

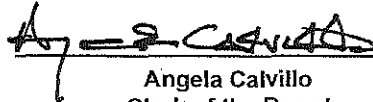
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April 11, 2017 Board of Supervisors - ADOPTED

Ayes: 11 - Breed, Cohen, Farrell, Fewer, Kim, Peskin, Ronen, Safai, Sheehy, Tang and Yee

File No. 170354


I hereby certify that the foregoing Resolution was ADOPTED on 4/11/2017 by the Board of Supervisors of the City and County of San Francisco.


Angela Calvillo
Clerk of the Board

Insighed
Mayor

4/21/17
Date Approved

I hereby certify that the foregoing resolution, not being signed by the Mayor within the time limit as set forth in Section 3.103 of the Charter, or time waived pursuant to Board Rule 2.14.2, became effective without his approval in accordance with the provision of said Section 3.103 of the Charter or Board Rule 2.14.2.


Angela Calvillo
Clerk of the Board

4/21/17
Date

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April 24, 2017

The Honorable E. Dotson Wilson
Chief Clerk of the Assembly
California State Assembly
California State Capitol, Room 3196
Sacramento, CA 95814

Re: Board of Supervisors Resolution No. 124-17

Dear Chief Clerk Wilson:


On April 11, 2017, the Board of Supervisors of the City and County of San Francisco adopted Resolution No. 124-17 (Opposing California State Senate Bill 649 (Hueso) - Wireless and Small Cell Telecommunication Facilities), which was enacted on April 21, 2017.

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Sincerely,


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STATE OF CALIFORNIA
CITY AND COUNTY OF SAN FRANCISCO

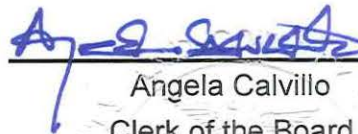
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April 24, 2017

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Angela Calvillo
Clerk of the Board

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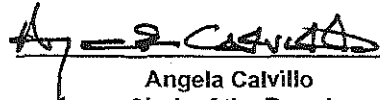
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April 11, 2017 Board of Supervisors - ADOPTED

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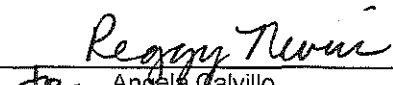
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Angela Calvillo
Clerk of the Board

Unsigned
Mayor

4/21/17
Date Approved

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for Angela Calvillo
Clerk of the Board

4/21/17
Date