

1 [Urging the San Francisco Legislative Delegation to Oppose California State Assembly Bill  
2 2788 (Gatto) - Wireless Telecommunications Facilities]

3 **Resolution urging the San Francisco Legislative Delegation to oppose California State**  
4 **Assembly Bill 2788, introduced by Assembly Member Gatto, regarding wireless**  
5 **telecommunications facilities, due to its preemption of local land use controls,**  
6 **elimination of local agency review and lack of public access to the wireless permitting**  
7 **process.**

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9 WHEREAS, California State Assembly Bill 2788, "Wireless Telecommunications  
10 Facilities," would preclude local discretionary review of specified small cell wireless antennas  
11 and related equipment, regardless of whether they will be collocated on existing structures or  
12 located on new poles, structures, or non-pole structures, including those within the public  
13 right-of-way and on buildings; and

14 WHEREAS, Assembly Bill 2788 preempts local land use plans and planning controls  
15 by mandating that small cell wireless antennas be allowed in all zones by-right and requiring  
16 that the installation of these antennas be predicated only on issuance of a building permit or  
17 other administrative permit; and

18 WHEREAS, Assembly Bill 2788 allows wireless facilities that could potentially exceed  
19 approved size limitations, based on the broad definition of small cell wireless antennas; and

20 WHEREAS, Assembly Bill 2788, as written, allows an unlimited number of antennas  
21 provided each one is less than six cubic feet, though not taking into consideration the height  
22 of the antennae pole; and

23 WHEREAS, Assembly Bill 2788 requires local governments to lease or license sites  
24 they own for the installation of small cell wireless antennas, precluding the imposition of a  
25 "reasonable permit, application, consulting, or other fee" associated with the review of an

1 application to use city property, with few exceptions, and requires that investor-owned utilities,  
2 state agencies, or other public agencies that may own infrastructure or property appropriate  
3 for the installation of small cell wireless antennas make these locations available for the  
4 installation of such facilities; and

5 WHEREAS, Assembly Bill 2788 provides a de facto exemption to the California  
6 Environmental Quality Act for the installation of soft cell wireless antennas and precludes  
7 consideration by the public of potential aesthetic, health, nuisance and other environmental  
8 impacts; and

9 WHEREAS, Assembly Bill 2788 imposes arbitrary time limits on the issuance of  
10 building permits or other non-discretionary permits for small cell wireless antennas, which can  
11 only be paused within the first 30 days after the submission of an application for a small cell  
12 facility if the city or county notifies the applicant that the application incomplete; and

13 WHEREAS, Any potential amendments to address the overreaching and preemptive  
14 nature of Assembly Bill 2788 are made impossible given the limited window of time left in the  
15 legislative session to consider amendments; now, therefore, be it

16 RESOLVED, That the Board of Supervisors of the City and County of San Francisco  
17 finds that Assembly Bill 2788 unduly limits the ability of the general public and local authorities  
18 to have adequate review and oversight of the installation of small cell wireless antennas and  
19 potential resulting negative impacts; and, be it

20 FURTHER RESOLVED, That the Board of Supervisors of the City and County of San  
21 Francisco urges the State Legislative Delegation to oppose Assembly Bill 2788, given its  
22 overreaching requirement that local governments approve small cell facilities in all land use  
23 zones through a ministerial permit, thereby cutting out the public's right to a local review  
24 process; and, be it

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1            FURTHER RESOLVED, That the Board of Supervisors of the City and County of San  
2 Francisco directs the Clerk of the Board to transmit a copy of this resolution upon passage to  
3 the respective offices of the State Legislative Delegation and the City Lobbyist.

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