

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

3 **Resolution opposing California State Senate Bill 649, authored by Senator Ben Hueso,**
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

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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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