

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.**

8
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

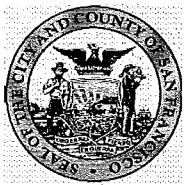
9 WHEREAS, Assembly Bill 2788 imposes arbitrary time limits on the issuance of
10 building permits or other non-discretionary permits for small cell wireless antennas, which can
11 only be paused within the first 30 days after the submission of an application for a small cell
12 facility if the city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

13 WHEREAS, After these and other concerns were represented to Assembly Member
14 Gatto by a diversity of Constituencies, he has withdrawn Assemble Bill 2788 for the near-term;
15 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 and future legislation that would replicate its current provisions
18 unduly limits the ability of the general public and local authorities to have adequate review and
19 oversight of the installation of small cell wireless antennas and potential resulting negative
20 impacts; and, be it

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

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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City and County of San Francisco

Tails

Resolution

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

File Number: 160725

Date Passed: June 28, 2016

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

June 28, 2016 Board of Supervisors - AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE

Ayes: 11 - Avalos, Breed, Campos, Cohen, Farrell, Kim, Mar, Peskin, Tang, Wiener and Yee

June 28, 2016 Board of Supervisors - ADOPTED AS AMENDED

Ayes: 11 - Avalos, Breed, Campos, Cohen, Farrell, Kim, Mar, Peskin, Tang, Wiener and Yee

File No. 160725

I hereby certify that the foregoing Resolution was ADOPTED AS AMENDED on 6/28/2016 by the Board of Supervisors of the City and County of San Francisco.

Handwritten signature of Angela Calvillo for the Clerk of the Board

Unsigned

Mayor

7/08/16

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.

Handwritten signature of Angela Calvillo for the Clerk of the Board dated 7/8/16