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

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.

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

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

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

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

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

WHEREAS, By eliminating local government authority over what will be constructed on and in publicly-owned property and assets and preventing local governments from charging reasonable fees for such use, SB 649 effectively appropriates public property for commercial use; and
WHEREAS, The City and County of San Francisco is currently engaged in a local permitting leasing program, which has helped to facilitate the rapid deployment of wireless facilities while protecting public safety and neighborhood aesthetics; and

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

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

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

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

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

FURTHER RESOLVED, That the San Francisco Board of Supervisors strongly opposes SB 649 because it would prevent San Francisco and municipalities throughout the State from having local control over the placement and design of wireless facilities; and be it
FURTHER RESOLVED, That the San Francisco Board of Supervisors strongly opposes SB 649 because it would preclude localities from charging reasonable fees for the commercial use of municipal assets and would lead to a negative fiscal impact for the City and County of San Francisco; and be it

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

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

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

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.

Regina Nevau
Clerk of the Board