



CITY OF BEVERLY HILLS

455 NORTH REXFORD DRIVE • BEVERLY HILLS, CALIFORNIA 90210

Lili Bosse, Mayor

September 5, 2017

The Honorable Lorena Gonzalez Fletcher
Chair, Assembly Appropriations Committee
State Capitol, Room 2114
Sacramento, CA 95814

RE: SB 649 (Hueso) Wireless telecommunications facilities.
City of Beverly Hills – OPPOSE

Dear Chair Gonzalez Fletcher:

On behalf of the City of Beverly Hills, I write to you in **OPPOSITION** to **SB 649 (Hueso)**, which would strip cities and counties of local authority by allowing wireless telecommunications facilities to be installed without being subject to long-established local permits and approval processes.

This bill would apply broadly to all telecommunications providers and the equipment they use, including “micro-wireless,” “small cell,” and “macro-towers,” as well as a range of video and cable services. The bill would specifically allow the use of “small cell” wireless antennas and related equipment without a local discretionary permit in all zoning districts as a use by-right, subject only to an administrative permit.

Additionally, this bill provides a de facto CEQA exemption for the installation of such facilities and precludes consideration by the public of the aesthetic, nuisance, and environmental impacts of these facilities. Further, **SB 649 (Hueso)** caps lease agreements for use of public property at \$250 annually per attachment rates for each “small cell,” without an escalating scale as costs increase over time. This rate stands in stark contrast to

some cities' negotiated leases for "small cells" upwards of \$3,000, and other cities' negotiated agreements to provide "free" access to public property in exchange for a host of tangible public benefits.

Last year, AB 2788 (Gatto) attempted to impose similar restrictions on local control. The City of Beverly Hills opposed that bill, which was unsuccessful because the related policy discussions made clear that the proposal is unreasonable and overreaching.

SB 649 (Hueso) would result in our City seeing even more unsightly, wireless communication towers and less money to reimburse us for actual costs. Additionally, we are concerned about potential failure of street light poles, as they were not designed to carry extra weight. In the event of such a failure, local governments could be exposed to serious liability risks and costs. Local jurisdictions should have the authority to mandate reasonable aesthetic modifications, ensure that "small cells" are installed in appropriate locations, and charge reasonable rates for use of public property.

While this bill would result in a myriad of detrimental impacts, the City of Beverly Hills would like to see two key amendments to mitigate some of our concerns. Specifically, we would like the bill to allow for local control over aesthetics as local decision-making authority, including public input, regarding design is critical to maintaining the unique vibrancy of our community. Additionally, we would like this bill to mandate colocation on the street light poles for wireless technologies to ensure coordination, efficiency, and reduce the quantity of locations impacted by this bill.

The City of Beverly Hills' Cable, Video, and Telecommunications Service Providers Ordinance, established in 2001, recognizes the importance of local authority over zoning and planning decisions related to telecommunications infrastructure, as well as the right of the City to obtain fair and reasonable compensation when authorizing the private use of public property and rights of way. **SB 649 (Hueso)** directly conflicts with local standards that have worked well for years and set a dangerous precedent by seriously overstepping local control.

For these reasons, the City of Beverly Hills remains respectfully **OPPOSED to SB 649**

(Hueso). Thank you for your consideration of our concerns and requested amendments.

Sincerely,

A handwritten signature in cursive script, appearing to read "Lili Bosse".

Lili Bosse

Mayor, City of Beverly Hills

cc: Members and Consultants, Assembly Appropriations Committee
The Honorable Ben Hueso, 40th Senate District
The Honorable Ben Allen, 26th Senate District
The Honorable Richard Bloom, 50th Assembly District
Andrew K. Antwih, Shaw / Yoder / Antwih, Inc.