



CITY OF BEVERLY HILLS

455 NORTH REXFORD DRIVE • BEVERLY HILLS, CALIFORNIA 90210

Lili Bosse, Mayor

June 21, 2017

The Honorable Cecilia Aguiar-Curry
Chair, Assembly Local Government Committee
1020 N Street, Room 157
Sacramento, CA 95814

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

Dear Chair Aguiar-Curry,

On behalf of the City of Beverly Hills, I write to you in OPPOSITION of 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.

As amended on June 20, 2017, SB 649 (Hueso) is even less palatable to local governments, as it would apply broadly to all telecommunications providers and the equipment they use, including “micro-wireless,” “small cell,” and “macro-towers.” 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, the bill would require local governments to renew ongoing permits that comply with the codes and permit conditions applicable at the time the permit was initially approved.

The latest version of SB 649 (Hueso) includes cable companies as well, and places a new ban on local regulation of the placement or operation of “communications facilities” within and outside the public right of way far beyond “small cells.” The new language would extend local preemption of regulation to any “provider authorized by state law to operate in the rights-of-way,” which can include communications facilities installed for services such as gas, electric, and water.

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 for costs that will increase over time. This rate stands in stark contrast to some cities' negotiated leases for "small cells" which can be 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.

The current version of 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.

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 OPPOSED to SB 649 (Hueso). Thank you for your consideration.

Sincerely,

A handwritten signature in dark ink, appearing to read "Lili Bosse", with a long horizontal flourish extending to the right.

Lili Bosse

Mayor, City of Beverly Hills

cc: Members and Consultants, Assembly Local Government 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.