



## CITY OF BEVERLY HILLS

455 NORTH REXFORD DRIVE • BEVERLY HILLS, CALIFORNIA 90210

Lili Bosse, Mayor

September 19, 2017

The Honorable Edmund G. Brown  
Governor, State of California  
State Capitol, Governor's Office  
Sacramento, CA 95814

**Re: SB 649 (Hueso) Wireless telecommunications facilities.  
City of Beverly Hills – Request for Veto**

Dear Governor Brown,

On behalf of the City of Beverly Hills, I write to you in strong **OPPOSITION** of **SB 649 (Hueso)** and respectfully request that you **VETO** this bill when it comes before your desk. This bill 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 for the aesthetic, nuisance, and environmental impacts of these facilities.

Further, **SB 649 (Hueso)** forces local governments to lease out public property funded by the taxpayer so that wireless corporations can install their equipment to sell their private services. By eliminating fair market rate leases for use of taxpayer funded property (including city halls, parks, county libraries, and “vertical pole infrastructure”), this bill effectively gives corporations discounted access to these facilities with *no requirement to pass their cost-savings onto their customers*. Cities and counties use the revenue from these lease payments to fund essential public services such as police, fire, libraries and parks. These are payments that every other for-profit

business must pay at fair market value when they seek to lease or rent public spaces. **SB 649 (Hueso)** sets a dangerous precedent for other private industries to seek similar treatment, further eroding the ability to fund local services. Additionally, there is no escalating scale for the capped annual fee of \$250.00, creating a deficit in city budgets as costs to maintain the infrastructure will increase over time. This rate also stands in stark contrast to some cities' negotiated leases for "small cells" as well as city-negotiated agreements to provide "free" access to public property in exchange for a host of tangible public benefits.

**SB 649 (Hueso)** would result in Beverly Hills 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 the infrastructure may not have been designed for the installation of multiple small cell tower structures. 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 requested two key amendments to mitigate some of our concerns.* Specifically, we would have liked the bill to allow for local control over aesthetics, as local decision-making authority, with public input, regarding design is critical to maintaining the unique vibrancy of our community. Additionally, we would have liked this bill to mandate colocation on the street light poles for wireless technologies to ensure coordination and efficiency, and reduce the quantity of locations impacted by this bill. *However, these amendments were sought to no avail.*

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)** and respectfully urges you to **VETO** this measure.

Sincerely,



Lili Bosse

Mayor, City of Beverly Hills

Cc: The Honorable Ben Hueso, 40<sup>th</sup> Senate District  
The Honorable Ben Allen, 26<sup>th</sup> Senate District  
The Honorable Richard Bloom, 50<sup>th</sup> Assembly District  
Andrew K. Antwih, Shaw / Yoder / Antwih, Inc.