



City of Manhattan Beach

City Council

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September 22, 2017

The Honorable Edmund G. Brown Jr.
Governor, State of California
State Capitol, First Floor
Sacramento, CA 95814

RE: Request for Veto of SB 649 (Hueso) - Wireless Telecommunications Facilities

Dear Governor Brown:

The City of Manhattan Beach **Strongly Opposes and Respectfully Requests your Veto** of SB 649 relating to the permitting of so-called “small” cellular telecommunications facilities. The opposition follows a unanimous vote by the Manhattan Beach City Council at its July 5, 2017 meeting.

SB 649 eliminates public input, adequate local environmental and design review, and the ability for local governments to negotiate leases or public benefits for the installation of “small cell” equipment on taxpayer property. While the legislation contains provisions that purport to exempt Coastal Zones, other provisions require cities and counties to approve small cell structures on public property in all zones within jurisdictions. Further, the mandatory authorization would be subject to a confusing permitting process carved-out for the benefit of the wireless industry.

Elimination of Full Discretionary Review

Those advocating for SB 649 claim local governments will retain discretion for permitting cellular equipment but this is not true. The bill eliminates discretion local governments currently possess to require cellular equipment to blend into communities they enter and for providers to maintain equipment. The bill also eliminates the ability of cities and counties to negotiate public benefits, such as providing network access for a local public library. Additionally, the bill places the burden on local governments to adopt complex permitting ordinances, again increasing costs to local jurisdictions. It does so while capping the revenue cities and counties can generate from cellular equipment for public services such as infrastructure, police, fire, libraries, or looming pension obligations.

Concerns of Manhattan Beach

The City has five specific concerns regarding SB 649:

1. SB 649 removes a local government’s ability to condition the aesthetics of proposed facilities, a significant concern for property values and view impacts to Manhattan Beach residents. The so-called “small” cellular facilities covered by the legislation are hardly small and pose significant

issues for community aesthetics as indicated in a Department of Finance report on SB 649 released in August.

2. While SB 649 purports to exempt Coastal Zones, other provisions within the legislation render the exemption moot and extend its application to entire jurisdictions.
3. SB 649 lacks language to address potential antenna blight, technology concealment with the use of smart devices, and the rights of municipalities where small antennas have impacts.
4. There are significant fiscal implications due to the loss of fees from permits to process applications from network providers. The Department of Finance report on SB 649 released in August, reported the legislation would impose a \$1 million unfunded mandate on local jurisdictions.
5. There are significant fiscal implications due to the inability of the City to generate revenue from streetlights the City is in the process of acquiring from Southern California Edison. The anticipated revenue was a basis for the City's decision to proceed with the purchase.

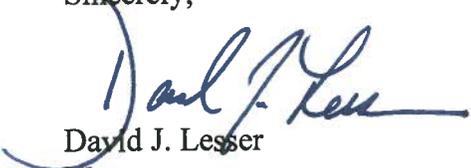
Mandatory Leasing of City or County Property at Little to No Cost for the Promise of 5G

SB 649 forces local government to rent space for cellular equipment on public property at rates far below fair market value. It also requires jurisdictions provide "substantial evidence" that space is needed by the community to use its own public property. Rents from the use of public property, which every other for-profit business pays, help defray the cost of essential public services otherwise provided at taxpayer expense. SB 649 sets a precedent for other private industries to seek similar treatment, further eroding the ability to fund local services.

While the City of Manhattan Beach supports the deployment of wireless facilities to ensure uniform access to new 5G telecommunications services, SB 649 eliminates the ability of local governments to collaborate with the wireless industry to ensure the public receives maximum benefit.

For these reasons the City of Manhattan Beach **Strongly Opposes and Respectfully Requests your Veto of SB 649.**

Sincerely,


David J. Lesser
Mayor
City of Manhattan Beach