



Reply to: Alice Fredericks  
Chair, Legislative Committee  
MCCMC Tiburon Town Hall  
1505 Tiburon Blvd  
Tiburon, CA 94920

March 27, 2017

The Honorable Ben Hueso  
California State Senate, District 40  
State Capitol Building, Room 4035  
Sacramento, CA 95814  
VIA FAX: 916-651-4940

**RE: SB 649 as Proposed to be Amended by RN 17 08941 (Hueso). Wireless and Small Cell Telecommunications Facilities  
Notice of Opposition**

Dear Senator Hueso:

The Legislative Committee of Marin County Council of Mayors and Councilmembers (MCCMC) recommended by consensus that MCCMC oppose SB 649 and proposed amendments related to the permitting of wireless and small cell telecommunications facilities. This proposal unnecessarily and unconstitutionally strips local authority over public property and shuts out public input and local discretion by eliminating consideration of the aesthetic and environmental impacts of “small cells.”

This proposal would prohibit local discretionary review of “small cell” wireless antennas, including equipment collocated on existing structures or located on new “poles, structures, or non-pole structures,” including those within the public right-of-way and buildings. The proposal preempts adopted local land use plans by mandating that “small cells” be allowed in all zones as a use by-right, including all residential zones.

The proposal provides a de facto exemption to the California Environmental Quality Act (CEQA) for the installation of such facilities and precludes consideration by the public of the aesthetic and environmental impacts of these facilities, all of which are of particular importance when the proposed location of facilities is within a residential zone.

The proposal preempts local authority by requiring local governments to make available sites they own for the installation of a “small cell.” While a city may place “fair and reasonable terms and conditions” on the use of city property, the proposal does not provide the city with any discretion to deny a “small cell” to be located on city property except for fire department sites. This measure gives control of public property to private telecommunications companies, while also precluding local governments from leasing or licensing publicly owned property. Under this proposal, local governments would be required to give preferential treatment to one industry that has received “most favored nation” status under state law.

The Legislative Committee of MCCMC opposes SB 649.

Respectfully,

A handwritten signature in cursive script, appearing to read 'Alice Fredericks', is written in black ink.

Alice Fredericks, Chair  
Legislative Committee  
Marin County Council of Mayors and Councilmembers

cc:  
Senator McGuire  
Assembly Member Levine  
David Jones  
Nancy Hall Bennett