



CITY OF POMONA COUNCIL REPORT

June 5, 2017

To: Honorable Mayor and Members of the City Council

From: Linda Lowry, City Manager

Submitted by: Mark J. Gluba, Deputy City Manager

Subject: **Legislative Advocacy Opposition of Senate Bill 649 – Wireless and Small Cell Telecommunications Facilities Streamlining**

OVERVIEW

Recommendation – That the City Council approve staff's recommendation to oppose Senate Bill 649 and authorize staff to draft and disseminate letters in opposition of this proposed legislation.

Fiscal Impact – None with this action.

Previous Related Action – None.

EXECUTIVE SUMMARY

Senate Bill (SB) 649 will remove the 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.

DISCUSSION

Staff recently received communication from League of California Cities representatives alerting the City to potential negative impacts contained within SB 649 which is scheduled for legislative hearings soon. As proposed, SB 649 establishes a framework for streamlining the permitting siting process of small cell wireless facilities that meet specified requirements through the State of California. Specifically, this bill requires an administrative permit in lieu of a discretionary permit (currently City issued), requires cost-based fees (currently city calculated) in lieu of market prices, and ensures access to most host infrastructure in the utility right-of-way, and also within commercial or industrial zone. SB 649 was introduced on February 17, 2017, by Senator Ben Hueso from San Diego and heard in the

Under existing law, a wireless telecommunications collocation facility, as specified, is subject to a city or county discretionary permit and is required to comply with specified criteria. SB 649 would create that a collocation facility, which is the placement or installation of wireless facilities, including antennas and related equipment, on or immediately adjacent to that wireless telecommunications collocation facility, is a permitted use not subject to a city or county discretionary permit.

The City of Pomona has adopted a Zoning Ordinance for the installation of Wireless Communication Facilities which regulates cellular companies ensuring that there are City Council approved cellular installment agreements. The City's Zoning Ordinance, Section .5809-15 Wireless Communication Facilities provides requirements and regulations "of the location and design of wireless communication facilities to promote the public health, safety, and community aesthetics consistent with the goals and objectives of the city of Pomona General Plan. The regulations are also intended to minimize visibility and the number of freestanding structures in the city, while establishing minimum guidelines and expedited processing for well-designed proposals in appropriate locations."

Should the City Council approve the recommendation above, staff will draft letters articulating the City's position for the Mayor's signature and expedite transmission to the appropriate legislators, the League of California Cities and the City's pro-bono legislative advocate in Sacramento.

Attachment: 1) SB 649 Legislative Text
2) League of CA Cities Opposition Letter