



CITY OF LONG BEACH

OFFICE OF THE CITY MANAGER

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PATRICK H. WEST
CITY MANAGER

April 19, 2017

The Honorable Mike McGuire, Chair
California State Senate, Committee on Governance and Finance
State Capitol, Room 408
Sacramento, CA 95814

RE: Oppose unless amended. SB 649 (Hueso) –Wireless telecommunications facilities

Dear Senator McGuire:

The City of Long Beach met with Verizon on two separate occasions to discuss Senate Bill 649 (Hueso), and expressed concerns related to local control in the proposed legislation. As the current bill does not mitigate these concerns, the City must respectfully oppose unless amended.

Long Beach takes pride in supporting a robust economy inclusive of modern technology, well-designed urban spaces, and a beautiful skyline. While the City values the services provided by the wireless telecommunication industry, local governments must retain local land use authority to balance the numerous needs of our communities.

SB 649 contains a number of legislative changes that directly conflict with responsible local governance. These include:

- **Unilaterally requiring a city to renew permits for equivalent durations unless a finding is made that determines the wireless communications facility is not in compliance with codes and permit conditions applicable at the time the permit was initially approved.** Cities must retain local agency discretion over renewal terms. The City of Long Beach continually invests in modernizing and improving our local infrastructure, and it is important that cities retain the ability to require telecommunication providers do the same through a duly established permitting process.
- **Unilaterally allowing small cells to be a permitted use, not subject to a local discretionary permit, if the small cell is located in the public right-of-way, or in any zone that includes commercial or industrial use.** Cities must retain local agency discretion over aesthetic requirements. As a diverse and economically vibrant city, zoning in Long Beach is incredibly complex. Long Beach absolutely must retain the ability to issue discretionary permits, as this is the City's only mechanism for consistently protecting and preserving the aesthetic integrity of our commercial corridors and neighborhoods, which are uniquely Long Beach.
- **Significantly limiting a city's ability to manage leases in the public right-of-way or public utility easements.** Cities must retain discretion in leasing/licensing city-owned poles and other public infrastructure. Long Beach considers space in the public right-of-way, and space in public utility easements, as space held in trust for the public. It is important the City is able to use market-rate

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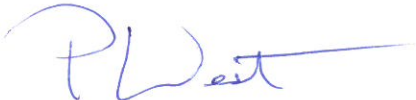
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studies as for a component of determining appropriate lease payments if public space is leased to private for-profit entities. SB 649 significantly limits a city's ability to manage its proprietary rights and powers to regulate, govern and use city-owned property in the public right-of-way, and to act in a city's separate and additional capacity as an owner of city streetlights and poles.

The City of Long Beach understands the need to modernize the telecommunication permitting process. Staff is in the process of updating zoning regulations for wireless telecommunication facilities in an effort to respond to the current market for small cell development. It is anticipated this update will be complete within the next six months. Long Beach's local zoning update will provide appropriate aesthetic and location standards for City residents and stakeholders, while increasing clarity of regulations and efficiency of processing for the wireless industry. The update process is unique to Long Beach and extremely important to Long Beach.

Given these reasons, the City of Long Beach opposes SB 649 (Hueso).

Sincerely,



Patrick H. West
CITY MANAGER

cc: The Honorable Speaker Anthony Rendon, State Assembly
The Honorable Ben Hueso, State Senate, 40th District
The Honorable Steven Bradford, State Senate, 35th District
The Honorable Ricardo Lara, State Senate, 33rd District
The Honorable Janet Nguyen, State Senate, 34th District
The Honorable Mike Gipson, State Assembly, 64th District
The Honorable Patrick O'Donnell, State Assembly, 70th District