



**CITY OF SANTA CLARITA
AGENDA REPORT**

CONSENT CALENDAR

CITY MANAGER APPROVAL:

Ken Stripling

DATE: April 25, 2017

SUBJECT: STATE LEGISLATION: SENATE BILL 649

DEPARTMENT: City Manager's Office

PRESENTER: Masis Hagobian

RECOMMENDED ACTION

City Council adopt the Legislative Committee's recommendation to oppose Senate Bill 649 (Hueso) and transmit position statements to Senator Hueso, Santa Clarita's state legislative delegation, appropriate legislative committees, Governor Brown, and the League of California Cities.

BACKGROUND

Authored by Senator Ben Hueso (D-San Diego), Senate Bill 649 proposes to reduce local control and fees over small cell siting in the public right-of-way. This bill grants cell providers access to locally owned infrastructure within the public right-of-way and in commercial and industrial zones and prohibits local discretionary zoning review. For purposes of this summary, "small cell" is defined as wireless telecommunications equipment used by cell providers to provide cell service.

Specifically, this bill:

1. Establishes that a small cell is a permitted use not subject to a city or county discretionary zoning review or discretionary permit if it satisfies the following requirements:
 - a. Complies with all applicable state and local health and safety regulations.
 - b. Is not located on a fire department facility.
 - c. Is located in the public right-of-way in any zone or in any zone that includes a commercial or industrial use.
2. Grants cell providers nondiscriminatory and non-exclusive access to locally owned utility

poles, street lights, and other suitable host infrastructure located within the public right-of-way and in other local public places such as stadiums, parks, campuses, hospitals, transit stations, and public buildings consistent with all applicable state and local health and safety requirements.

3. Requires local governments to renew expiring permits for cell facilities that have maintained compliance with use conditions adopted at the time the cell site was originally approved.
4. Permits local governments to charge wireless permit fees that are nondiscriminatory and cost based.
5. Permits local governments to require an administrative permit process for small cell submissions. The administrative permit may only be subject to the following:
 - a. The same administrative permit requirements as similar construction projects applied in a nondiscriminatory manner.
 - b. The submission of additional information showing that the small cell complies with Federal Communications Commission's regulations concerning radio frequency emissions.

In establishing a statewide framework for small cell deployment, this bill establishes limitations on the process, procedures and abilities of local governments to site small cell facilities. The City of Santa Clarita (City) currently regulates the installation and operation of wireless telecommunications facilities, including small cells, within the public right-of-way and in commercial and industrial zones. The City's Unified Development Code regulates the cell proximity to residential uses and zones, underground of appurtenant equipment, and specified design criteria. Ultimately, the City's regulations intend to preserve the health, safety and overall quality of life of the community. If this bill passes, the City will lose its current ability to regulate the siting and design of small cells.

The City of Santa Clarita 2017 Legislative Platform (Legislative Platform) includes components related to local authority regarding the siting of cellular communication infrastructure. Specifically, component 30 under the "State" section of the Legislative Platform advises that the City Council, "Oppose state regulatory efforts to override or eliminate local authority regarding the siting of cellular communications towers, wireless transmission sites or other infrastructure."

Senate Bill 649 passed the Senate Committee on Energy, Utilities, and Communications unanimously (11-0, Senator Stern voted in support of this bill) and was referred to the Senate Committee on Governance and Finance on April 5, 2017. The committee hearing date in the Senate Committee on Governance and Finance is scheduled for April 26, 2017.

The City Council Legislative Committee met on April 11, 2017, and recommends that the City Council adopt an "oppose" position for Senate Bill 649.

ALTERNATIVE ACTION

1. Adopt a “neutral” position on Senate Bill 649
2. Adopt a “support” position on Senate Bill 649
3. Take no action on Senate Bill 649
4. Refer Senate Bill 649 back to the Legislative Committee
5. Other action, as determined by the City Council

FISCAL IMPACT

The resources required to implement the recommended action are contained within the City's adopted 2016/17 budget.

ATTACHMENTS

SB 649 - Cell Infrastructure Siting