Resolution urging the San Francisco Legislative Delegation to oppose California State Assembly Bill 2788, introduced by Assembly Member Gatto, regarding wireless telecommunications facilities, due to its preemption of local land use controls, elimination of local agency review and lack of public access to the wireless permitting process.

WHEREAS, California State Assembly Bill 2788, "Wireless Telecommunications Facilities," would preclude local discretionary review of specified small cell wireless antennas and related equipment, regardless of whether they will be collocated on existing structures or located on new poles, structures, or non-pole structures, including those within the public right-of-way and on buildings; and

WHEREAS, Assembly Bill 2788 preempts local land use plans and planning controls by mandating that small cell wireless antennas be allowed in all zones by-right and requiring that the installation of these antennas be predicated only on issuance of a building permit or other administrative permit; and

WHEREAS, Assembly Bill 2788 allows wireless facilities that could potentially exceed approved size limitations, based on the broad definition of small cell wireless antennas; and

WHEREAS, Assembly Bill 2788, as written, allows an unlimited number of antennas provided each one is less than six cubic feet, though not taking into consideration the height of the antennae pole; and

WHEREAS, Assembly Bill 2788 requires local governments to lease or license sites they own for the installation of small cell wireless antennas, precluding the imposition of a "reasonable permit, application, consulting, or other fee" associated with the review of an
application to use city property, with few exceptions, and requires that investor-owned utilities, state agencies, or other public agencies that may own infrastructure or property appropriate for the installation of small cell wireless antennas make these locations available for the installation of such facilities; and

WHEREAS, Assembly Bill 2788 provides a de facto exemption to the California Environmental Quality Act for the installation of small cell wireless antennas and precludes consideration by the public of potential aesthetic, health, nuisance and other environmental impacts; and

WHEREAS, Assembly Bill 2788 imposes arbitrary time limits on the issuance of building permits or other non-discretionary permits for small cell wireless antennas, which can only be paused within the first 30 days after the submission of an application for a small cell facility if the city or county notifies the applicant that the application incomplete; and

WHEREAS, After these and other concerns were represented to Assembly Member Gatto by a diversity of Constituencies, he has withdrawn Assembly Bill 2788 for the near-term; now, therefore, be it

RESOLVED, That the Board of Supervisors of the City and County of San Francisco finds that Assembly Bill 2788 and future legislation that would replicate its current provisions unduly limits the ability of the general public and local authorities to have adequate review and oversight of the installation of small cell wireless antennas and potential resulting negative impacts; and, be it

FURTHER RESOLVED, That the Board of Supervisors of the City and County of San Francisco urges the State Legislative Delegation to oppose Assembly Bill 2788 and future legislation that would replicate its current provisions, given its overreaching requirement that local governments approve small cell facilities in all land use zones through a ministerial permit, thereby cutting out the public’s right to a local review process; and, be it
FURTHER RESOLVED, That the Board of Supervisors of the City and County of San Francisco directs the Clerk of the Board to transmit a copy of this resolution upon passage to the respective offices of the State Legislative Delegation and the City Lobbyist.
Resolution urging the San Francisco Legislative Delegation to oppose California State Assembly Bill 2788, introduced by Assembly Member Gatto, regarding wireless telecommunications facilities, due to its preemption of local land use controls, elimination of local agency review and lack of public access to the wireless permitting process.

June 28, 2016 Board of Supervisors - AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE
Ayes: 11 - Avalos, Breed, Campos, Cohen, Farrell, Kim, Mar, Peskin, Tang, Wiener and Yee

June 28, 2016 Board of Supervisors - ADOPTED AS AMENDED
Ayes: 11 - Avalos, Breed, Campos, Cohen, Farrell, Kim, Mar, Peskin, Tang, Wiener and Yee

I hereby certify that the foregoing Resolution was ADOPTED AS AMENDED on 6/28/2016 by the Board of Supervisors of the City and County of San Francisco.

Angela Caffillo
Clerk of the Board

UnSigned
Mayor

7/08/16
Date Approved

I hereby certify that the foregoing resolution, not being signed by the Mayor within the time limit as set forth in Section 3.103 of the Charter, or time waived pursuant to Board Rule 2.14.2, became effective without his approval in accordance with the provision of said Section 3.103 of the Charter or Board Rule 2.14.2.

Angela Caffillo
Clerk of the Board