

Talking Points re SB 649 (“Small Cell” Cell Tower Regulation)

By Chris Spitz, PPCC Chair/President Emeritus - June 2017

- [SB 649](#) (Hueso) passed in the Senate in May 2017 and is now being considered by the Assembly (expected to be assigned soon to relevant committees (Communications & Conveyance, Local Government), with a floor vote in the full Assembly possible this summer (if passed in committees).
- SB 649 would eliminate local government discretionary authority (i.e., require “by right” permits only, without notice, hearing, review of location/design/aesthetics) over so-called “small cell” (actually not-so-small) cell towers in the public right of way and on public property statewide, with few exceptions. The League of California Cities (League) warns that the bill *“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.’”*
- What are “small cells” under SB 649? Short answer: cell towers with antennas up to 6 cu. ft. in volume and related equipment up to 21 cu. ft. (roughly the size of an old phone booth), with no single piece of equipment exceeding 9 cu. ft.; other ancillary equipment, such as power pedestals, are not counted in the calculation of equipment volume. Commentators have noted that this definition actually encompasses very large structures, that the label “small cell” is a misnomer,¹ and that the bill would effectively remove local control over most cell towers.
- SB 649 excludes “small cells” only on fire stations, in historic zones and in the coastal zone (i.e., local government discretionary authority would remain in those areas), but not in other sensitive areas such as in residential zones (in front of homes), in areas protected by duly enacted Specific Plans, in or adjacent to parkland, open space, scenic highways, public parks and recreational facilities, schools and in otherwise protected mountain areas. Critics have questioned why only the three limited areas are deemed sensitive enough to require discretionary review.
- SB 649 is backed by the telecom industry, which seeks rapid deployment of 5G infrastructure (requiring thousands more poles/antennas). The industry argues that local government regulatory processes hamper such deployment and should be streamlined.² Cities and counties deny that local regulation unreasonably impedes deployment and stress that local authority (police power) is protected by the state Constitution (“Home Rule”). The League and other opposing organizations acknowledge that Californians should have access to telecommunications facilities, but explain that this goal is “not inherently in conflict with appropriate local planning.”
- SB 649 is opposed by over 110 cities, counties and organizations statewide, including the County of Los Angeles, the City and County of San Francisco, Santa Monica, Culver City, West Hollywood, Beverly Hills, the League of California Cities, the League of California Counties, the American Planning Association (California Chapter) and many more. A resolution in opposition (Wesson) is now pending in City Council ([CF 17-000 S69](#)). CMs Bonin and Koretz oppose the bill.
- [PPCC](#) and BCC oppose SB 649. The author requests that all WRAC member-councils ASAP take up and pass the recommended SB 649 motion and urge their respective Assemblymembers (Bloom, Ridley-Thomas, Burke) to oppose the bill. Contact Chris at ppfriends3@hotmail.com for more information (she has been working on cell regulation matters since 2009).

¹ Contrast the more reasonable definition of “small cell” in proposed revisions to the City’s Above Ground Facilities (AGF) Ordinance, supported by WRAC and long-stalled in the Council Public Works Committee ([CF 09-2645](#)) – up to 3 cu. ft. of antennas, not counting related equipment. **In 2010, the then-WRAC membership unanimously passed a [Motion](#) calling for comprehensive revision of the City’s cell tower regulations to provide for protection for communities and local neighborhoods “to the fullest extent of the law.”** *SB 649 directly contradicts this goal* and will make the much-needed AGF Ordinance revisions (as well as existing local regulations) largely moot.

² A parallel legislative effort is underway in numerous states nationwide and also at the federal level (Notice of Proposed Rulemaking regarding streamlining small cell deployment currently pending in the FCC).