

CITY OF MERCED

"Gateway to Yosemite"



April 17, 2017

The Honorable Ben Hueso
California State Senate, District 40
State Capitol Building, Room 4035
Sacramento, CA 95814
VIA FAX: 916-651-4940

**RE: Opposing SB 649 (Hueso). Wireless and Small Cell
Telecommunications Facilities.**

Dear Senator Hueso:

The City of Merced strongly opposes SB 649 because it is another attempt to strip local government of its ability to act in the best interests of its constituents. While regulating the permitting of wireless and small cell telecommunications facilities it takes away 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."

This proposal would prohibit local discretionary review of "small cell" wireless antennas, including equipment co-located 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***.

The proposal does not provide the city with any discretion to deny a "small cell" to be located on city property except for fire department sites. In effect, this measure unconstitutionally gives control of public property to private telecommunications companies, while also precluding local governments from leasing or licensing publicly owned property.

SB 649 provides favorable treatment to one industry over others who are paying the appropriate market rate for access to city property. The public is entitled to the fair-market value for using their property, and the local governments are the legal owners and landlords renting the property.

We want to protect the quality of life of our residents, while making sure they have access to the best technology possible. However, we also believe that what works in a

commercial or industrial zone, may not work in a residential zone, and SB 649 doesn't allow that discretion.

The City of Merced believes in transparent government, a government that includes the people in its decisions. SB 649 takes away the rights of the people of Merced to participate in governmental decisions. For these reasons, the City of Merced strenuously opposes SB 649.

Sincerely,


Michael W. Murphy, Mayor
City of Merced

cc: Senator Anthony Cannella
Assemblyman Adam Gray
[Nidia Bautista](#), Consultant, Senate Energy, Utilities and Commerce Committee
[Kerry Yoshida](#), Principal Consultant, Senate Republican Caucus
Stephen Qualls squalls@cacities.org
[Meg Desmond](#), League of California Cities