

## Keep Cell Antennas Away: *A grassroots campaign*

P.O. Box 1823, Elk Grove, California 95759

[www.KeepCellAntennasAway.org](http://www.KeepCellAntennasAway.org) (Mark@)

### California legislators – please vote NO on AB-537!

The cell antenna permitting system is presently working. Currently wireless carriers are able to apply for and receive cell antenna permits in every California city and county. It takes months at most, not years, and respects local zoning codes. This bill would override local zoning authority over cell antennas under the false pretense that the system is not working.

- Under Federal law cities and counties may not "effectively prohibit" the provision of personal wireless services.<sup>1</sup> Federal law provides time limits, 60 or 90 days in most cases, for local government to approve or deny a cell antenna permit application, known as "shot clocks."<sup>2</sup>
- When the local government fails to approve or deny an application in that time federal law gives the applicant recourse to a U.S. District Court<sup>3</sup>, where the court shall hear and decide such action on an expedited basis.<sup>4</sup> Construction requires a permit.
- The FCC “. . . expect[s] that our decision here will result in localities addressing applications within the applicable shot clocks in a far greater number of cases.”<sup>5</sup>
- There is no federal law, code, rule, regulation, or order that contains a “deemed approved” or permit “deemed issued” provision as AB 537 does. Contrary to the author’s claim (Asm. Quirk) this bill would **not** align California law with federal law.
- Under AB 537 if a city or county misses the shot clock the “application will be deemed approved and all necessary permits shall be deemed issued and the applicant may begin construction,”<sup>6</sup> The City has 30 days to sue over this “deemed issued”.
- This bill would cause the automatic approval of cell antenna applications that do not comply with applicable local zoning codes or where the local planning department does not have time to respond to certain applications. The bill would allow carriers to file 100 applications on one day for the purpose of overwhelming local planners.
- This bill would prohibit a city or county from denying permits for known or yet-to-be discovered technologies, such as facial recognition, that residents may not want in their community for privacy and other reasons.<sup>7</sup>

---

<sup>1</sup> Telecommunications Act of 1996, 47 U.S.C. sections 253(a) and 332(c)

<sup>2</sup> FCC Order 18 – 133, **DECLARATORY RULING AND THIRD REPORT AND ORDER, September, 2018, §105**

<sup>3</sup> FCC Order 18 – 133, **supra, §116 – 131.**

<sup>4</sup> Telecommunications Act of 1996, 47 U.S.C. section 332(c)(7)(B)(v)

<sup>5</sup> FCC Order 18 – 133, **supra, §129**

<sup>6</sup> California Government Code, proposed in AB 537, Section 65964.1 (a)

<sup>7</sup> “(g) *A city or county shall not prohibit or unreasonably discriminate in favor of, or against, any particular technology.*” California Government Code, proposed in AB 537, Section 65964.1 (g)