



CITY OF NEWPORT BEACH

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Mayor

Brad Avery

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Diane Brooks Dixon

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Will O'Neill

April 23, 2021

The Honorable Bill Quirk
Capitol Office, Room 2163
Sacramento, CA 94249-0020

RE: AB 537 (Quick) – Notice of Opposition

Communications: wireless telecommunications and broadband facilities.

Dear Assembly Member Quirk,

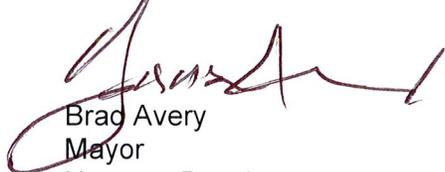
The City Newport Beach respectfully opposes AB 537 that would provide a "deemed granted" remedy for wireless applications. The FCC's Small Cell Order already mandates local jurisdictions to expedite review of applications under "shot clocks." The Order also provides that, in certain cases, a longer review timeline could be permissible if presumptively reasonable. AB 537 eliminates this reasonable provision. The bill gives no consideration to legitimate reasons as to why an application may be delayed. It puts the burden on local governments to challenge the legality of deemed granted claims in court within just 30 days of being noticed by the applicant, whether or not their claim is merited.

Local governments continue to grapple with being under-resourced, which have been greatly exacerbated by COVID-19-related impacts. AB 537 would leave cities vulnerable to a surge of deemed granted notices from the applicant that may or may not be merited, resulting in lengthy and costly court cases for local jurisdictions. Similar to SB 556, AB 537 also has no expressed requirement to close the digital divide.

Additional wireless infrastructure to meet increasing broadband demand is necessary but inhibiting local government's ability to act within the public's interest is not.

For these reasons, the City of Newport Beach opposes AB 537.

Sincerely,



Brad Avery
Mayor
Newport Beach

cc. Senator David Min
Assemblywoman Cottie Petrie-Norris
Newport Beach City Council
Grace Leung, City Manager
Seimone Jurjis, Community Development Director
California Strategies, LLC
League of California Cities (Via email: cityletters@cacities.org)