

CLERK

Date: 4/8/25
Submitted in PLUM Committee
Council File No: 24-0701



ZA Case: CUW-DRB-SPP ZA-2022-8878 (originally filed ZA but should have been APC)
APC Case: Re-filed as APCE-2022-8878-SPE-DRB
Address: 1731 W. Colorado Blvd. Los Angeles, CA 90041 (APN: 2669-021-026)

VIOLATES COLORADO BLVD SPECIFIC PLAN

SEPT. 6, 2022 City Planning notified Verizon that proposal is "Determined to be project per Colorado Blvd Specific Plan in Subarea II, with 30' height restriction and 15' height restriction within 15' of rear yard."

- To be approved, project would require review by the Design Review Board (advisory) and a hearing with the East Area Planning Commission for entitlements:
- Project Permit Compliance and exceptions to the Specific Plan – exceeds 30-foot overall height limit and 15-foot height limit within 15-feet of rear yard
 - Conditional Use Permit per 12.24 W.49(c) for a Wireless Telecommunications Facility in a Specific Plan Area

AA CF1 24-0701

PROPOSAL DOES NOT COMPLY WITH COLORADO BLVD. SPECIFIC PLAN

(Northeast Plan, Los Angeles General Plan)

SEPT. 6, 2022 City Planning notified Verizon that the proposal is determined to be project per Colorado Blvd Specific Plan in Subarea II, with 30' height restriction and 15' height restriction within 15' of rear yard.

ENTITLEMENTS REQUIRED (East Area Planning Commission Public Hearing):

- **Project Permit Compliance** – Specific Plan Exception per LAMC 11.5.7 C. – Height – 45' tower exceeds the Specific Plan Area of 30-feet overall and 15-feet at rear wall
- **Conditional Use Plan** – per LAMC 12.24 W.49(c) - Wireless Telecommunications Facility in Specific Plan Area
- **Design Review (advisory)** – Completed. Recommended denial.





NO PUBLIC HEARING HELD

SEPT. 6, 2022 City Planning notified Verizon that the proposal is determined to be project per Colorado Blvd Specific Plan in Subarea II, with 30' height restriction and 15' height restriction within 15' of rear yard.

ENTITLEMENTS REQUESTED:

(East Area Planning Commission Hearing Not Held)

- **Project Permit Compliance** – Specific Plan Exception per LAMC 11.5.7 C. – Height – 45' tower exceeds the Specific Plan Area of 30-foot overall / 15-foot rear wall
- **Conditional Use Plan** – per LAMC 12.24 W.49(c) -Wireless Telecommunications Facility in Specific Plan Area
- **Design Review (advisory)** – Completed. **Recommended denial.**

L.A. CHARTER IDENTIFIES DECISION-MAKERS FOR LAND USE – THE DESIGN REVIEW BOARD IS NOT ONE

The code-designated decision-making body for specific plan issues in this region is the East Area Planning Commission. The Colorado Blvd. Specific Plan Design Review Board is a volunteer advisory group that makes recommendations but has no decision-making authority and is not a decision-maker under any Los Angeles charter provision or code.

- a. Gov. Code § 65856 - public hearings for zoning and planning decisions are required before a legislative body (e.g., city council or planning commission),
- b. California Oak Foundation v. City of Santa Clarita (2005) 133 Cal.App.4th 1219: Advisory meetings do not constitute formal hearings
- c. Joiner v. City of Sebastopol (1981) 125 Cal.App.3d 799: Distinguished between advisory recommendations and official decision-making, emphasizing that non-binding advisory discussions do not trigger formal hearing requirements.

WHAT HAPPENED?

- Planning was notified by Verizon that a “shot clock” (decision-making timeline) had expired on several applications it had pending, including the one in question. Planning responded by issuing a letter saying that because the shot clock had expired, this project was “deemed approved by operation of law” based on California Government Code Section 65964.1.
- In 2015 CA AB57 was adopted by the California legislature and codified under California Code § 65964.1. It provides a “deemed approved” remedy for co-location or siting applications for a wireless telecommunications facility, **as defined in Section 65850.6** if the local agency fails to act in the timelines prescribed by the shot-clock rules. Section 65850.6 pertains **exclusively to co-locations** onto existing wireless telecommunications facility. **IT DOES NOT APPLY TO NEW TOWERS.**
- Even if § 65964.1 did apply in this case, when and if “deemed approved” relief is sought, it is still not allowed unless (1) the project complies with local land use laws (**this project violates the Colorado Blvd. Specific Plan in terms of height, setback, design and other provisions**) and (2) unless and until at **least one public hearing is held** with proper notification including printed newspaper notice. **NO PUBLIC HEARING WAS HELD IN THIS CASE.**
- **Further, CA Code § 65964.1** requires that before a project is eligible to be deemed approved, all required notices must have been provided. **This project requires a public hearing with the East Area Planning Commission which has not occurred. That hearing notice is one of the required notices this project would be required to provide.**
- Planning made a mistake in issuing their letter. The mistake needs to be corrected so the legally required public process can continue.



The Fourteenth Amendment's Due Process Clause guarantees procedural due process, meaning that government actors must follow certain procedures before they may deprive a person of a protected life, liberty, or property interest.

The City of Los Angeles's regulations also recognizes the mandatory public process and the people's right to address decision-makers. Has there ever been a more important time than now to stand up for due process and the rule of law? We urge you to adopt this motion and allow the legally required public process to proceed.

SHOT CLOCKS



The Federal Communications Commission (FCC) has set time limits — known as "shot clocks" — for state and local governments to act on applications for wireless infrastructure projects, including new cell towers, small cells, and collocations on existing facilities. These shot clocks were established to prevent unreasonable delays in deploying wireless networks and promote consistency under the Telecommunications Act of 1996 and related FCC orders. The FCC established shot clocks in its 2009, 2014, and 2018 orders, later codified in 47 C.F.R. § 1.6003 and § 1.6100.

REMEDIES IF SHOT CLOCK EXPIRES

- CA Gov. Code Section 65964.1 provides deemed approved procedures for "*wireless telecommunications facilities, as defined in Section 65850.6.*" This means if a shot clock expires before a local government renders a decision on a project that qualifies and is defined in the code, then the project can be automatically "deemed approved" with no further delays.
- Section 65964.1 relies on the definition of projects in Section 65850.6 which pertains exclusively to collocations, not to new towers.
- Every time Section 65850.6 uses the word "facility," it includes the phrase "wireless telecommunications collocation facility."
- In order to qualify to be deemed approved, Section 65850.6 requires that projects comply with local codes and that at least one public hearing has been held. **This proposal does not comply with the Colorado Blvd. Specific Plan and no public hearing was held.**

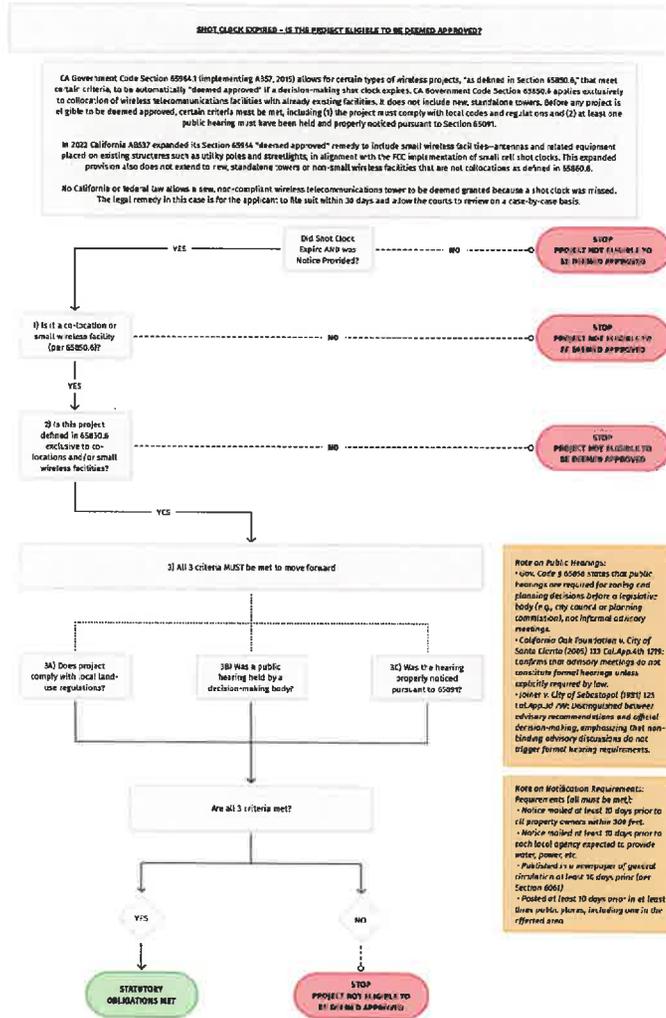
CA Govt. Code Section §65964.1 also requires the following in order to be deemed approved:

- The application must be complete. *This application included no findings.*
- The applicant has provided **all public notices** required under applicable laws. **If a public hearing is required in order for a project to be approved, notice of that public hearing would be one of the REQUIRED NOTICES that must be made before any project can be deemed approved. The East Area Planning Commission hearing had not yet been scheduled or noticed in this case.**

INTENT OF THE LAW - APPLY COMMON SENSE

The intent of the FCC and California shot clock regulations is to prevent unreasonable delays in processing of wireless applications. These laws are not intended to allow the unprecedented denial of due process rights for an entire community. These laws are not intended to allow a project that egregiously violates local land use plans to be approved as-is without even as much as a single public hearing. To propose otherwise is an exercise in bad faith and strains credulity.

CALIFORNIA WIRELESS PROJECT SHOT CLOCKS & REMEDIES



Project Type	Example	Shot Clock Duration	Remedy If Shot Clock Missed
New macro wireless facility	Towers mono-trees, mono-poles, etc.	150 days	<p>Applicant may file suit in court under 47 U.S.C. § 332(c)(7)(B)(v) alleging failure to act; possible injunctive relief. Courts review and decide on a case-by-case basis.</p> <p>✗ DEEMED APPROVED ELIGIBLE? NO. New macro sites / towers are not eligible to be deemed approved.</p>
Collocation	Adding new equipment to an existing wireless facility or tower	90 days	<p>Deemed approved under Gov. Code § 65964.1 if written notice is given and still no action within 30 days of notice.</p> <p>✓ DEEMED APPROVED ELIGIBLE? YES, if compliant with land use regulations, zoning, design standards, general plan. Non-compliant projects are not eligible to be deemed approved.</p>
Small Wireless Facility (Small Cell) – collocation	Attaching wireless equipment to existing infrastructure such as a utility pole or building in the public right-of-way.	60 days	<p>Deemed approved per Gov. Code § 65964.1 if written notice is given and still no action within 30 days of notice.</p> <p>✓ DEEMED APPROVED ELIGIBLE? YES, if compliant with land use regulations, zoning, design standards, general plan. Non-compliant projects are not eligible to be deemed approved.</p>
Small Wireless Facility (Small Cell) – new	Installing a new pole or structure in the right-of-way specifically for small wireless equipment	90 days	<p>Deemed approved under Gov. Code § 65964.1 if written notice is given and still no action within 30 days of notice.</p> <p>✓ DEEMED APPROVED ELIGIBLE? YES, if compliant with land use regulations, zoning, design standards, general plan. Non-compliant projects are not eligible to be deemed approved.</p>
Eligible Facilities Request (EFR)	Modification of existing facility no substantial change to physical dimensions (e.g., antenna swap).	60 days	<p>Automatically deemed granted if locality fails to act within 60 days (47 C.F.R. § 1.6100). No further action or notice required.</p> <p>✓ DEEMED APPROVED ELIGIBLE? YES, if compliant with land use regulations, zoning, design standards, general plan. Non-compliant projects are not eligible to be deemed approved.</p>

SAME DILEMMA – DIFFERENT RESPONSE

City not legally compelled to halt public process. Deemed approved letter must be rescinded.

02/28/2024 Verizon rep sends letter to City Planning mentioning expired shot clocks on several projects, including the one in question.

Planning took quick action to stop the public process in this case and deem it approved by operation of law, saying they were legally compelled to do so and had no other choice. However Planning took no such action on other projects with expired shot clocks which were included in the same Verizon letter.

THIS CASE

ZA-2022-8878 / APCE-2022-8878-SPE-DRB, 1731 W. Colorado Blvd
STATUS: **Shot Clock Expired**
ACTION: **Deemed approved**
04/06/2024, just 5 weeks after Verizon notification letter

OTHER EXPIRED SHOT CLOCK CASES IN VERIZON LETTER

ZA-2023-3208-CUW, 18206 Victory Blvd, Tarzana
STATUS: **Shot Clock Expired**
ACTION: **NOT deemed approved**
Had a regularly scheduled ZA hearing.
08/23/2024 - Decision rendered 6 months after Verizon notification

ZA-2024-1061-CUW, 7224 S. Vermont Avenue
STATUS: **Shot Clock Expired**
ACTION: **NOT deemed approved**
Had a regularly scheduled ZA hearing
12/11/2024 - Decision rendered 10 months after Verizon notification

City Planning took different action on the case in question than on other cases about which they were notified of expired shot clocks, waiting 6 to 10 months to render decisions in the other cases.

We were told the case in question was approx. 6-8 weeks away from its East Area Planning Commission hearing when the public process was halted in favor of the Deemed Approved letter, but planning staff said they had "no choice" but to issue the deemed approved letter once Verizon informed them of the expired shot clock.

If Planning was legally compelled, then ALL of the expired projects in Verizon's letter should have been deemed approved, but they were not.

Approve the motion and allow the legally required public process to take place here as it should have done in the first place, and as it did on other projects included in the same notification about expired shot clocks.

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April 3, 2024

Property Owner
JR Colorado LLC
Joseph Ramanji
1731 Colorado Boulevard
Los Angeles, CA 90041

Applicant
Los Angeles SMSA LP dba Verizon
Wireless
15505 Sand Canyon Ave
Irvine, CA 92618

Project Contact
Delta Groups Engineering
Michael Hasegawa
2362 McGraw Ave
Irvine, CA 92614

Case Number: APCE-2022-8878-SPE-
DRB
CEQA: ENV-2022-8878-CE

Application Type: Establishment of Wireless
Facility
Project Location: 1731 W Colorado Blvd
90041

Planning Area: Northeast Los Angeles
Colorado Boulevard
Specific Plan – Subarea II
Council District: 14

DEEMED APPROVED BY OPERATION OF LAW

The application for the property located at the project location referenced above was filed with the Department of City Planning on December 6, 2022, and the fees for the case were paid on February 13, 2023. A public hearing before the Zoning Administrator was scheduled for July 20, 2023, but the hearing was cancelled when it was identified that the project needed a Specific Plan Exception from the Colorado Boulevard Specific Plan. On August 1, 2023, the application was changed to a case for review by the East Los Angeles Area Planning Commission as the initial decision maker as per the Los Angeles Municipal Code. On March 4, 2024, the Project was reviewed by the Colorado Boulevard Specific Plan Design Review Board as required by the Colorado Boulevard Specific Plan.

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On February 28, 2024, the Applicant provided notice to the Department of City Planning that the deadline to act under federal law had expired.

The Federal Communications Commission (FCC) established a 150-day shot clock for this and other similar wireless facilities applications which propose using a new structure. 47 C.F.R. § 1.60003. No action was taken by the decision maker prior to the expiration of the time to act, which was July 13, 2023.

In view of the above, the application is deemed approved by operation of Government Code Section 65964.1 as of July 14, 2023. The Project shall conform substantially to Exhibit "A," attached.

Should you wish to respond to this matter, you may contact Linda Lou, City Planner, at Linda.Lou@lacity.org.

Sincerely,

Jane Choi

JANE CHOI, AICP
Principal City Planner
Central Project Planning Division

Enclosures

1. Exhibit "A" for Case No. APCE-2022-8878-SPE-DRB
2. Applicant's Notice of Lapse of Reasonable Time Period to Act

WHAT DOES THIS MOTION DO?

This motion instructs planning to fix its mistake and allow the legally required due process to proceed.

By rescinding the erroneously issued “deemed approved” letter, the application will be routed to the East Area Planning Commission for the public hearing, which was supposed to have happened in the first place.

The application requires numerous entitlements and exceptions to the Colorado Blvd. Specific Plan that have not been discussed with the community. No FCC or California law is intended to strip citizens of their rights to due process or to allow a large project that does not comply with local land use regulations to be approved, as-is, without even as much as a public hearing because a decision-making timer ran out.

This motion allows common sense to prevail and allows the necessary public process to take place.

WHAT ABOUT VERIZON?

It must have been a huge surprise for Verizon to learn that a huge project that requires numerous entitlements and exceptions to plans was suddenly approved, as-is, without even a single public hearing with the East Area Planning Commission, the decision-making body in this case.

It's called “a gimme” in sports. It wasn't an earned win, nor deserved. It was a mistake. The City has a responsibility to correct mistakes when it makes them and to make things right.

Verizon was always required to present the case at an upcoming East Area Planning Commission meeting, which is where the process will begin again when this motion is approved.

HOW DID WE GET HERE?

2022

09-06-2022 Verizon files & receives feedback on Geographic Referral Form (Planning staff notes specific plan area and requirements for C.U.W. and entitlements for exceptions to Specific Plan. Notes the entitlements they will need to request and the requirement to file as Area Planning Commission (APC) case.

12-06-2022 Verizon files for a Zoning Administration (ZA) case, not APC case as instructed. Does not request entitlements related to height limits, Specific Plan exceptions or need for Conditional Use for wireless in a Specific plan area despite having been properly notified of all entitlement requirements on the required geographic referral form signed by planning and provided to Verizon on 9/6/2022. Planning accepts the case. **(A)**

2023

06-22-2023 Planning schedules hearing for improperly filed case with Zoning Admin. **(B)**

07-20-2023 City realizes its error after a community member brings it to their attention. Zoning Administration hearing canceled.

08-01-2023 Verizon refiles as East Area Planning Commission case and includes entitlement requests as noted in the 09-06-2022 GRF all of which were previously ignored. Still does not include required findings to justify entitlement requests. **(C)**

2024

02-28-2024 Verizon (via lobbyist Veronica Perez) sends email to director of city planning requesting to discuss case processing going forward. They note this and six other applications for which they assert a shot clock has expired. Verizon asserts the shot clock in this case started upon the 2022 application of the improperly filed Zoning Administration (ZA) case, instead of the 2023 properly filed Area Planning Commission case. Verizon asserts that a California law applies a shot clock to this application for a new tower.

03-04-2024 Project reviewed by the Colorado Blvd. Specific Plan Design Review Board (advisory volunteer group.) Recommendation DENY. City staff assured community there would be a full public hearing at the Area Planning Commission (decision-making body) to have questions answered and comments heard. No public hearing was ever held.

04-03-2024 City Planning (Signed by Jane Choi) issues letter declaring project is "Deemed approved by operation of law. **(D) (E) (F) (G) (H) (I)**

05-03-2024 Coalition to Defend the Colorado Blvd. Specific Plan files suit to reverse City's erroneous decision and force city to hold legally required public process.

07-05-2024 CM Kevin DeLeon motion to rescind erroneous "deemed approved" letter and hold legally required public process.

A) CITY ERROR – Despite having officially notified the applicant of filing requirements (this would be an APC case, not ZA), Specific Plan regulations and the need to request numerous entitlements via the Geographic Referral Form, the City accepts the improperly filed case that contains none of those requests and begins work on it.

B) CITY ERROR – Scheduling ZA hearing on improperly filed case

C) CITY ERROR - City did not notify applicant of incompleteness of application. Applicant did not include required "findings" in the application to justify why entitlements such as Specific Plan exceptions should be granted.

D) CITY ERROR - Issuing "deemed approved" letter using original 2022 filing date of 2022 when that was an improperly filed case (ZA not APC) containing no entitlement requests and was later removed/ refiled.

E) CITY ERROR – Issuing "deemed approved" letter when it was not requested in the Verizon letter and new towers are not eligible to be deemed approved.

F) CITY ERROR – Issuing "deemed approved" letter without being ordered by a court to do so. The remedy for missed shot clocks on new tower applications is for the applicant to file suit within 30 days. No complaint was filed by the applicant.

G) CITY ERROR – City's "deemed approved" letter relies on law that does not pertain to new towers. Deemed approved status under Section 65964.1 as defined in in Section 65850.6. is available **exclusively** to co-locations and small cell sites. **New towers are not eligible to be deemed approved under any state or federal law.**

H) CITY ERROR – No project can be declared subject to deemed approved action - even when it does apply - unless the project:

- (1) Complies with local land use regulations (*This project violates the Colorado Blvd. Specific Plan*)
- (2) Has had at least one public hearing (No public hearing was held – design review board advisory meeting is not a public hearing)
- (3) Public hearing is properly noticed under Section 65091. (*Did not occur.*)

I) CITY ERROR - City Planning has indicated that prior to this situation, they were not aware shot clock law(s) (2009) even applied to new wireless applications, only co-locations. The City erred in not being aware of relevant laws, and by mis-applying laws they found as they were learning about them.

RELEVANT LEGAL ACTIONS

2009 Federal Communications Commission (FCC) established the first two specific timelines for action and coined the term “shot clocks.” Orders upheld by 5th Circuit Court of Appeals and eventually the Supreme Court. Co-Location (adding to existing structures): 90 -day shot clock. Other applications: 150-day shot clock.

2014 FCC developed rules for eligible facilities requests (modification of an existing wireless tower or base station that does not substantially change the physical dimensions.) 60-day shot clock for EFRs and two sets of remedies if shot clocks are missed. Order challenged and upheld by the Fourth Circuit Court of Appeals in 2015. (1) If local governments do not act within shot clock periods for co-locations that do not substantially change the physical dimensions of an existing facility, the application is “deemed approved.” (2) If a local government does not act within the shot clock period for co-locations that do substantially change the physical dimensions of an existing facility, or for new sites, the FCC ruled that an applicant may bring an action in federal court within 30 days of the reasonable time period elapsing. The court then determines whether the delay was unreasonable under all circumstances of the case and, if necessary, identifies an appropriate remedy. Applicant did not file suit.

2015 CA AB57 adopted by the California legislature. Codified under California Code § 65964.1, effective January 1, 2016, provides a “deemed granted” remedy for co-location or siting applications for a wireless telecommunications facility, as defined in Section 65850.6 if the local agency fails to act in the timelines prescribed by the shot-clock rules. Section 65850.6 pertains exclusively to co-locations onto existing wireless telecommunications facility. **IT DOES NOT APPLY TO NEW TOWERS.**

Even if AB57 did apply in this case, when and if **Section 65850.6** “deemed approved” relief is sought and granted, it is still not allowed unless (1) the project complies with local land use laws (it violates the Colorado Blvd. Specific Plan in terms of height, setback, design and other provisions) and (2) unless and until at **least one public hearing is held** with proper notification including printed newspaper notice. **NO PUBLIC HEARING WAS HELD IN THIS CASE.**

Further, CA Code § 65964.1 requires that before a project is eligible to be deemed approved, all required notices must have been provided. **This project requires a public hearing with the East Area Planning Commission which has not occurred. That hearing notice is one of the required notices this project would be required to provide.**

2018 FCC established rules for 5G deployment - established shot clocks for small wireless facilities (60-days for co-locations and 90-days for new facilities.) Codified existing 90 and 150 day shot clocks for wireless facility deployments that do not qualify as small wireless facilities as established in 2009. They still didn’t add new towers to the projects that can be deemed approved.

2021 CA AB2421 went into effect until Jan. 1, 2024 (now expired) assigning a 60-day state shot clock for backup power for macro towers and standby emergency generators at previously permitted macro cell tower sites. AB2421 does not apply to “rooftop, small cell, or outdoor and indoor distributed antenna system sites.” They still didn’t add new towers to the projects that can be deemed approved.

2022 California AB537 expanded the reach of the 2015 AB57 “deemed granted” remedy in Government Code 65964.1 to include applications for “small wireless facilities” (antennas and equipment often placed on utility poles and street lights) subject to the FCC’s Small Cell shot clocks. Amends existing law that requires a collocation or siting application for a wireless telecommunications facility to be deemed approved under specified conditions. **It still does NOT apply to new towers.**

APPROVE THE MOTION – SEND TO COUNCIL

(1) Rescind the erroneous approval, and resume the legally required public process.

- Schedule the project for the next available East Area Planning Commission hearing and let the public process take place.
- This should not require a drawn-out litigation process. This erroneous action denied an entire community its rights to due process and approved a non-compliant project without any public process. This is wrong and common sense must prevail.

(2) Stop work and cancel permits

Project work must stop until a public hearing is held and the project can be properly considered by a decision-making body. This was requested of Verizon many months ago, but they chose to proceed processing permits, knowing their approval was a fluke and despite notice it was considered a mistake.



THE EAGLE ROCK COALITION

FOR THE DEFENSE OF THE

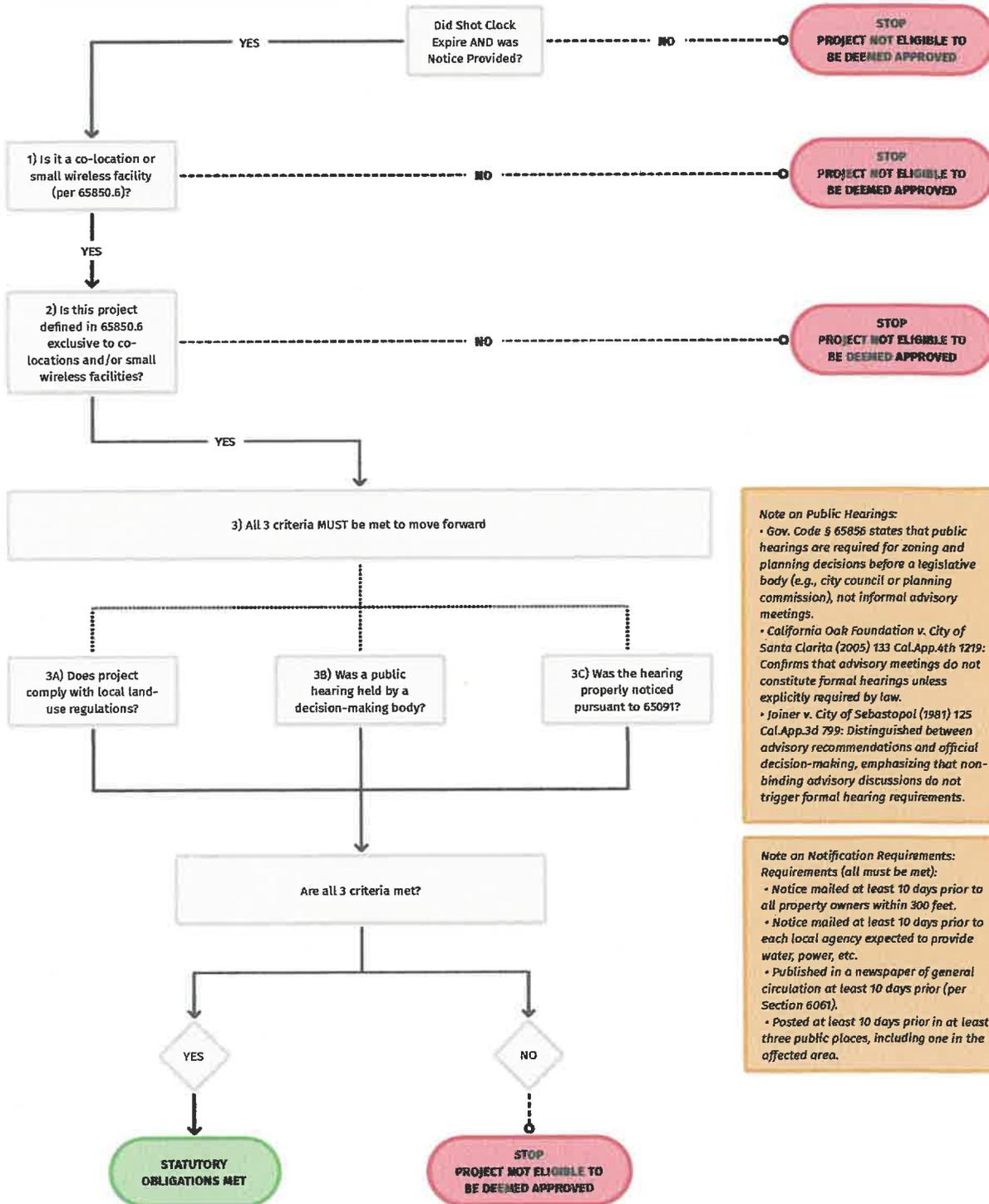
COLORADO BLVD. SPECIFIC PLAN

SHOT CLOCK EXPIRED - IS THE PROJECT ELIGIBLE TO BE DEEMED APPROVED?

CA Government Code Section 65964.1 (implementing AB57, 2015) allows for certain types of wireless projects, "as defined in Section 65850.6," that meet certain criteria, to be automatically "deemed approved" if a decision-making shot clock expires. CA Government Code Section 65850.6 applies exclusively to collocation of wireless telecommunications facilities with already existing facilities. It does not include new, standalone towers. Before any project is eligible to be deemed approved, certain criteria must be met, including (1) the project must comply with local codes and regulations and (2) at least one public hearing must have been held and properly noticed pursuant to Section 65091.

In 2022 California AB537 expanded its Section 65964 "deemed approved" remedy to include small wireless facilities--antennas and related equipment placed on existing structures such as utility poles and streetlights, in alignment with the FCC implementation of small cell shot clocks. This expanded provision also does not extend to new, standalone towers or non-small wireless facilities that are not collocations as defined in 65860.6.

No California or federal law allows a new, non-compliant wireless telecommunications tower to be deemed granted because a shot clock was missed. The legal remedy in this case is for the applicant to file suit within 30 days and allow the courts to review on a case-by-case basis.



Note on Public Hearings:

- Gov. Code § 65856 states that public hearings are required for zoning and planning decisions before a legislative body (e.g., city council or planning commission), not informal advisory meetings.
- California Oak Foundation v. City of Santa Clarita (2005) 133 Cal.App.4th 1219: Confirms that advisory meetings do not constitute formal hearings unless explicitly required by law.
- Joiner v. City of Sebastopol (1981) 125 Cal.App.3d 799: Distinguished between advisory recommendations and official decision-making, emphasizing that non-binding advisory discussions do not trigger formal hearing requirements.

Note on Notification Requirements:

Requirements (all must be met):

- Notice mailed at least 10 days prior to all property owners within 300 feet.
- Notice mailed at least 10 days prior to each local agency expected to provide water, power, etc.
- Published in a newspaper of general circulation at least 10 days prior (per Section 6061).
- Posted at least 10 days prior in at least three public places, including one in the affected area.

CALIFORNIA WIRELESS PROJECT SHOT CLOCKS & REMEDIES

Project Type	Example	Shot Clock Duration	Remedy If Shot Clock Missed
New macro wireless facility	Towers mono-trees, mono-poles, etc.	150 days	<p>Applicant may file suit in court under 47 U.S.C. § 332(c)(7)(B)(v) alleging failure to act; possible injunctive relief. Courts review and decide on a case-by-case basis.</p> <p>✗ DEEMED APPROVED ELIGIBLE? NO. New macro sites / towers are not eligible to be deemed approved.</p>
Collocation	Adding new equipment to an existing wireless facility or tower	90 days	<p>Deemed approved under Gov. Code § 65964.1 if written notice is given and still no action within 30 days of notice.</p> <p>✓ DEEMED APPROVED ELIGIBLE? YES, if compliant with land use regulations, zoning, design standards, general plan. Non-compliant projects are not eligible to be deemed approved.</p>
Small Wireless Facility (Small Cell) – collocation	Attaching wireless equipment to existing infrastructure such as a utility pole or building in the public right-of-way.	60 days	<p>Deemed approved per Gov. Code § 65964.1 if written notice is given and still no action within 30 days of notice.</p> <p>✓ DEEMED APPROVED ELIGIBLE? YES, if compliant with land use regulations, zoning, design standards, general plan. Non-compliant projects are not eligible to be deemed approved.</p>
Small Wireless Facility (Small Cell) – new	Installing a new pole or structure in the right-of-way specifically for small wireless equipment	90 days	<p>Deemed approved under Gov. Code § 65964.1 if written notice is given and still no action within 30 days of notice.</p> <p>✓ DEEMED APPROVED ELIGIBLE? YES, if compliant with land use regulations, zoning, design standards, general plan. Non-compliant projects are not eligible to be deemed approved.</p>
Eligible Facilities Request (EFR)	Modification of existing facility no substantial change to physical dimensions (e.g., antenna swap).	60 days	<p>Automatically deemed granted if locality fails to act within 60 days (47 C.F.R. § 1.6100). No further action or notice required.</p> <p>✓ DEEMED APPROVED ELIGIBLE? YES, if compliant with land use regulations, zoning, design standards, general plan. Non-compliant projects are not eligible to be deemed approved.</p>