

# SMALL CELL WIRELESS FACILITIES PERMIT GUIDELINES

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- COMPLIANCE WITH ALL GENERAL AND SPECIAL PERMIT CONDITIONS

*Notes: All starred (\*) items are **not required** for a Section 6409 Approval.*



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## SMALL CELL WIRELESS FACILITIES PERMIT GUIDELINES

### I. GENERAL PROVISIONS

- 1. Permit Guidelines.** The following *Small Cell Wireless Facilities Permit Guidelines* (“Permit Guidelines”) are in accordance with Fort Bragg Municipal Code (“FBMC”) Chapters 12.10, 17.44, and 18.44 and contain the requirements for the issuance of a Small Cell Wireless Facilities Permit (form attached as Appendix A) for small cell wireless facilities in the City’s public right-of-way and other locations. The City may modify or amend these Permit Guidelines, as needed, to implement and comply with FBMC requirements, and with any other applicable rules, policies, and laws.
- 2. Submitting Application.** For the application to be deemed complete, the applicant must submit or comply with **all** of the applicable requirements and materials provided in the Permit Guidelines, *Aesthetic Guidelines and Standards for the Deployment of Telecommunication Facilities*, *Engineering Design Standards and Permit Conditions for Telecommunication Facilities* (attached as Appendix B), and applicable rules and policies in accordance with FBMC requirements. (See the City’s website or inquire with the Public Works Department for other general applicable requirements not specifically referenced in these guidelines.) Additional requirements may be imposed by the Public Works Director, as needed, to comply with any other applicable rules, policies and laws.
- 3. Minimum Standards.** Wireless facilities shall be installed and modified in a manner that minimizes risks to public safety; minimizes placement of components of facilities in aboveground areas where underground areas are adequate and available; avoids installation of new support structures or equipment cabinets in the public right-of-way, unless new structures are aesthetically superior to colocation; and otherwise maintains the integrity and character of the neighborhoods and corridors in which the facilities are located. Wireless facilities also shall be installed and modified in a manner that ensures that installations are subject to periodic review to minimize the intrusion on the rights-of-way; and ensures that the City bears no risk or liability as a result of the installations; and that such use does not inconvenience the public, interfere with the primary uses of the right-of-way, or hinder the ability of the City or other government agencies to improve, modify, relocate, abandon, or vacate the public right-of-way or any portion thereof, or to cause the improvement, modification, relocation, vacation, or abandonment of facilities in the rights of way.
- 4. Location Preferences.** Unless new facilities are aesthetically superior to colocation, all applicants should, to the extent feasible, collocate new facilities and substantial changes to existing facilities with existing facilities. Colocations should be proposed on structures in accordance with the preferences contained in the associated *Aesthetic Guidelines and Standards for the Deployment of Telecommunication Facilities* adopted by the City Council.



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5. **Encroachment Area.** The issuance of the Small Cell Wireless Facilities Permit authorizes the encroachment of the City’s right-of-way in the placement, modification, or performing other work related to a small cell wireless facility at a particular location, referred to as the encroachment area, within the City’s public right-of-way. The Small Cell Wireless Facilities Permit shall include terms and conditions including insurance and indemnity requirements as needed for a standard encroachment permit under Chapter 9.72 of the Fort Bragg Municipal Code in addition to all other applicable requirements, as determined by the Public Works Director. (Insurance requirements for Small Cell Wireless Facilities Permits are attached as Appendix C.)

*Notes: All starred (\*) items are **not required** for a Section 6409 Approval. After the City issues the requested permit, the applicant must obtain all other required permits (including, without limitation and as applicable, building, electrical, plumbing, etc.) prior to performing the installation.*

## **II. INFORMATIONAL MEETING – OPTIONAL**

A pre-application informational meeting is voluntary and is recommended. Public Works Department staff will provide applicant with an appointment for the informational meeting upon request.

The purpose of the meeting is to:

- a. Inform the applicant of City requirements and the review process;
- b. Identify information and materials the City will require with the application;
- c. Identify potential concerns and streamline the formal application review process;
- d. Provide the applicant with a public notice template, the *Aesthetic Guidelines and Standards for the Deployment of Telecommunication Facilities, Engineering Design Standards and Permit Conditions for Telecommunication Facilities, Small Cell Wireless Facilities Permit Guidelines* and the permit application form.

Applicants are encouraged to bring the following to the meeting:

- a. Photo simulations of typical installation;
- b. Typical design;
- c. Master plan of expected small cell deployment in City’s Right-of-Way;
- d. Draft application or other pre-application materials for informal staff feedback and guidance.

## **III. APPLICATION AND FEES**

1. **Application Instructions:** Complete the Small Cell Wireless Facilities Permit application (“Permit Application”) form available on the City’s website or at the Public



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Works Department. The Permit Application must be submitted by appointment only as one hardcopy set, and one set as electronic files in compressed PDF format, along with other hard copies as required below. Electronic files must be provided on an USB drive, and provided to the City's Public Works Department during the permit application submittal appointment.

2. **Fees:** The Permit Application Fee as established by City Council resolution, or Developer Deposit Account deposit, must be paid at the time of application submittal. All required fees, security instruments, and cash deposits related to the Small Cell Wireless Facilities Permit, City Pole license or optional Master License Agreement, and other required permits and approvals consistent with the City's Municipal Code, must be paid in full or satisfied before the Small Cell Wireless Facilities Permit may be issued by the City. You may find the City's fee schedule on the City's website or contact the Public Works Department for appropriate fees.

#### **IV. PUBLIC NOTIFICATION**

##### **Instructions:**

1. As part of the application submittal, the applicant shall, within five (5) calendar days of submitting a Permit Application, provide notices by first class United States mail, to all residents and property owners within three-hundred (300) feet of the project site(s). The notification shall also be posted at or near the project site, and all other locations as directed by the Public Works Director. Posting on barricades, utility poles, etc., at or near the project site(s) is acceptable, at the discretion of the Public Works Director.

2. Contents of Notice. The notice shall include:

- a) applicant's identification and contact information;
- b) a general project description;
- c) identify the location of the project site(s) in text and/or diagram;
- d) photo-simulations of the project;
- e) a statement that interested parties may submit comments to the applicant or Public Works Department regarding the project within five (5) business days of the notice;
- f) a statement that the City will conduct a preliminary review of the project under the California Environmental Quality Act (CEQA) as part of the application process;
- g) a statement that, "Appeals shall not be permitted when based solely on the environmental effects from radio frequency (RF) emissions that are compliant with applicable FCC regulations and guidelines".

3. Based on the interest of the residents and property owners and prior to application submittal, it is recommended that the applicant hold a voluntary neighborhood informational meeting to discuss the proposed project, and to receive feedback from interested parties.



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4. Public notification documentation including, notice, concerns/comments, questions, responses, log (by location with information on comments, questions, responses, and delivery including person, date, and method of delivery), proof of notification, and list of recipients, must be submitted to the City prior to approval of any permit.

## V. MASTER LICENSE AGREEMENT – FOR CITY POLE LICENSE

For any small wireless facility proposed to be installed on a City pole or other structure owned or otherwise controlled by the City and located within the public right-of-way, the applicant may submit a Master Use Permit application and an executed Master License Agreement on a form that states the terms and conditions for such non-exclusive use by the applicant. The Public Works Director and City Manager are authorized to enter into Master License Agreements on a form approved by the City Attorney. The absence of a City-approved Master License Agreement or City Pole License shall be an independently sufficient basis to deny the application.

## VI. PRIOR PERMITS AND REGULATORY APPROVALS Instructions:

Provide true and correct copies of all the following:

### 1. Prior Permits

If the applicant requests a Section 6409 Approval for colocation on structures with existing Wireless Communication Facilities, applicant shall provide copies of all prior local regulatory approvals (original sitting permits and any modification permits) issued for the facility with any corresponding conditions of approval and project plans approved by the applicable regulatory authority. Alternatively, the applicant may submit a written justification that sets forth the reasons why prior regulatory approvals were not required for the wireless facility at the time it was constructed or modified. Label this documentation “**Attachment 6a – Prior Permits**” and attach it to the Permit Application.

### 2. FCC Licenses

If the applicant or service provider proposes to operate in FCC-licensed spectrum, provide proof of licenses for all planned operating bands. If there are federal build-out requirements, indicate which and whether they have been fully satisfied. If not satisfied, indicate what remains to be satisfied. Label this documentation “**Attachment 6b – FCC Licenses**” and attach it to this application.

### 3. Certificate of Public Convenience & Necessity (CPCN)/Wireless ID Registration (WIR)

For all applications for facilities in the public right-of-way, provide a true and correct copy of the applicant’s CPCN and/or WIR issued by the California Public Utilities Commission or its successor agency. Label this documentation “**Attachment 6c – CPCN-WIR**” and attach it to the Permit Application.



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4. Coastal Development Permit – If the proposed project is in the City’s Coastal Zone, applicant may be required to obtain and verify approval of a Coastal Development Permit relating to this project. Label this documentation “**Attachment 6d – Coastal Dev. Permit**” and attach it to the Permit Application.
5. Other Approvals – Provide verification of approval for the placement of a small cell wireless facility on a utility owned vertical structure in the City’s right-of-way. Label this documentation “**Attachment 6d – Approval from Utility**” and attach it to the Permit Application.

Any permit issued under these Permit Guidelines shall remain subject to all other applicable laws.

Applicant may also need to obtain other permits and regulatory approvals as may be required under applicable laws and rules, including any ministerial permits and/or other approvals by other City departments.

## VII. PROJECT PLANS

**Instructions:** Provide **four** sets of complete 24 x 36-inch project plans drawn to a scale of not less than 1:20 and a digital file of such plans in portable document format (PDF). Label this documentation “**Attachment 7 – Project Plans**” with documents responsive to each category listed below clearly labeled and attached to the Permit Application.

Project plans must contain all the following:

### 1. Cover Sheet

A complete cover sheet must include at a minimum:

- A detailed project description that specifies the proposed installation and/or modifications including without limitation all physical elements such as antennas, radios, power services, all cables, mounts, and all other elements of the proposed project.
- Site information that includes the proposed site address, site latitude and longitude (WGS 84 datum), zoning classification and address of the nearest private property, project team contact information site map, and pole number (if applicable).

### 2. Site Development Plan / Project Plans

A complete site development plan must include:

- Plan-view drawings, which include:
  - Detailed before-and-after views for any equipment pads, enclosures,



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cabinets, pedestals and/or vaults.

- All existing and proposed equipment with all dimensions, labels and ownership identifications clearly called out.
- Boundaries for all easements, encroachments and/or other rights-of-way for access and utilities in connection with the wireless site with all dimensions clearly shown and called out.
- All existing and proposed primary and backup utilities, including without limitation all cables, connectors, risers, conduits, cable shrouds, trays, bridges and/or doghouses, transformers, disconnect switches, panels, meters, pedestals, cabinets, vaults, generators and/or generator sockets.
- Structural Evaluation (if project is utilizing an existing structure or constructing a new structure).
- Detailed before-and-after elevation drawings from all four cardinal directions, which include:
  - All existing and proposed structures, improvements and/or fixtures with all dimensions clearly called out
  - All existing and proposed equipment with all dimensions, labels and ownership identifications clearly called out
  - All existing and proposed fiber optic cables, conduits, risers, guy wires, anchors, primary and secondary power lines
- Callouts and notes for any proposed new or extended concealment elements
- A north arrow, date, scale and legend

### 3. **Equipment Inventory**

The equipment inventory does not need to include primary utility cables, panels or cabinets, or any other objects not primarily designed or intended for radio communication purposes. All other equipment must be inventoried with the following information for each component:

- Manufacturer and model number
- Basic dimensions (height, width, length, and weight)

### 4. **Traffic Control Plans**

For facilities with traffic impacts to the public right-of-way, provide **two** copies of engineered traffic control plans that show traffic control for the project and a digital file of such plans in portable document format (PDF). The plans must be drawn in accordance with the latest version of the California Manual of Traffic Control Devices (CA MUTCD) by a registered California civil or traffic engineer. The preparer's stamp and signature must be shown on the plans.



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#### 5. **Fiber Network and Power Supply (if necessary) Plans**

For facilities proposed to be located in the public right-of-way, and to the extent that the project requires running new fiber optic cables and/or power connections to the proposed node, the plans must include a street map view that shows all the proposed nodes in the deployment, clearly labeled with pole number and/or site ID, the hub or base station that serves the nodes in the deployment, all fiber optic cable routes that connect the nodes to the hub, and a legend that identifies any symbols, colors or other items on the map. The plans should clearly identify all meet-me points and points of connection. Even if the fiber deployment will be performed by a third-party vendor, the applicant for wireless nodes must disclose all known or reasonably foreseeable fiber network elements. A separate encroachment permit will be required for fiber installation not installed concurrently with other components.

### **VIII. VISUAL IMPACT ANALYSIS**

**Instructions:** Provide a visual impact analysis, including field mock-up and photo simulations of the proposed project as constructed, which demonstrates the visual impacts of the proposed facilities. Consideration shall be given to views from public areas. The analysis shall assess the cumulative impacts of the proposed facilities and other existing and foreseeable telecommunication facilities in the area, and shall identify and include all feasible mitigation measures consistent with the technological requirements of the proposed telecommunication service. The analysis shall also consider the potential of future utility undergrounding construction. The photo simulations must be in a high-resolution format and show the proposed facility from reasonable line-of-sight locations that would accurately and reliably reflect the appearance of the proposed facility and/or modifications as-built. Label the visual impact analysis and photos simulations “**Attachment 8 – Visual Impact Analysis**” and attach them to the Permit Application.

Except as otherwise provided, photo simulations must contain all the following:

#### 1. **Current Site Photographs**

Current site photographs must include:

- Photographs of the existing site from at least three different reasonable line-of-sight locations from public streets or other adjacent viewpoints
- A map detail showing each location where a photograph was taken, the proposed site and the direction to the site from each photo location

#### 2. **Photo Simulations**

Photo simulations must include:

- An accurate and reliable visual representation of the proposed facility from the same reasonable line-of-sight locations used in the current site photographs and must



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include, without limitation, all interconnecting cables; wire; fiber; conduits; brackets; electronic equipment such as antennas, radio units, powering, and the like; and all other visible components

- A map detail showing each location where a photograph was taken, the proposed site and the direction to the site from each photo location

### 3. **Concealment Maintenance**

For Section 6409 Approval applications, the applicant must provide at least one photo simulation that demonstrates the impact of the proposed modification on the concealment elements of the support structure. Concealment elements include but are not limited to radomes, cable shrouds, painting, landscaping, equipment enclosures and designs and/or techniques intended to blend with the surrounding built and/or natural environment.

## **IX. INITIAL CEQA ASSESSMENT**

**Instructions:** Based on the nature and scope of the project, the City will determine whether the proposed project is categorically exempt under CEQA, or whether the proposed project will require a Negative Declaration, Mitigated Negative Declaration, or an Environmental Impact Report.

## **X. RF COMPLIANCE REPORT**

**Instructions:** Provide an RF exposure compliance report prepared and certified by a State of California licensed RF engineer that certifies that the proposed facility, as well as any collocated facilities and any cumulative emissions from adjacent areas, will comply with applicable federal RF human exposure standards and limits. At a minimum, the RF exposure compliance report must provide the same information and be in the same form as the FCC LSGAC Appendix A form for each band of operations. For projects on or attached to poles subject to CPUC General Order 95 regulation, provide evidence of compliance with CPUC General Order 95, Rule 94. Label this report “**Attachment 10 – RF Compliance Report**” and attach it to the Permit Application.

The RF compliance report must include:

- The actual frequency, actual or maximum power levels (in watts effective radiated power (ERPP)), and the actual or maximum transmitting channels for all existing and proposed antennas at the site.
- Exhibits that show:
  - The location and orientation of all transmitting antennas
  - The boundaries of areas with RF exposures (whether individually or cumulatively) in excess of the uncontrolled/general population limit (as that term is defined by the FCC)
  - The boundaries of areas with RF exposures (whether individually or



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cumulatively) in excess of the controlled/occupational limit (as that term is defined by the FCC)

**Note:** Each such boundary must be clearly marked and identified for every transmitting antenna at the project site, whether owned/operated by the applicant or another licensee. To the extent that the project site contains colocated transmitters from multiple operators, the RF exposure compliance report must evaluate all the transmitting antennas that may cause cumulative emissions.

## **XI. NOISE COMPLIANCE REPORT**

**Instructions:** Provide a noise compliance report for the proposed facility and all associated equipment including, but not limited to, all environmental control units, sump pumps, temporary backup power generators, and permanent backup generators in order to demonstrate compliance with FBMC Chapter 9.44, Noise, and Element 8, Noise, of the Coastal and Inland General Plans for each proposed project site. The noise compliance report must be prepared and certified by an engineer and include an analysis of the manufacturers' specifications for all noise-emitting equipment and a depiction of the proposed equipment relative to all adjacent property lines. In lieu of a noise compliance report, the applicant may submit evidence from the equipment manufacturer that the ambient noise emitted from all the proposed equipment will not, both individually and cumulatively, exceed the applicable City limitations. Label this analysis "**Attachment 11 – Noise Compliance Report**" and attach it to the Permit Application.

## **XII. SECTION 6409 EVALUATION**

**Instructions:** If the applicant requests approval pursuant to Section 6409(a) of the Spectrum Act, the applicant must prepare a justification that evaluates whether the proposed modification is an eligible facilities request that complies with the applicable FCC substantial change thresholds. Label this evaluation "**Attachment 12 – Section 6409 Evaluation**" and attach it to the Permit Application.

## **XIII. PROJECT PURPOSE AND TECHNICAL OBJECTIVES\***

**Instructions:** For applications not subject to Section 6409, provide the following information to demonstrate the intended technical service objectives and the nature of the existing service capabilities of the applicant's network in the area that would be served by the proposed facility or enhanced by the proposed modification. Label this analysis "**Attachment 13 – Project Purpose and Technical Objectives**" and attach it to the Permit Application.

### **1. Dominant Project Purpose**

Identify and describe the *dominant* project purpose. Identify whether the proposed facility or modification will:

- Add new personal wireless *service coverage* to an area in which the licensee does not currently provide any personal wireless service coverage
- Add new personal wireless *service capacity* to an area in which the licensee



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currently provides personal wireless service coverage

- If the project has a different dominant purpose from the options described above, provide such purpose in full detail

## 2. Technical Objectives

Provide a detail written statement that describes the technical objectives the applicant intends the proposed wireless facility to achieve and the factual reasons why the proposed location, centerline height and equipment configuration are necessary to achieve those objectives. In addition, the statement must include all the following required information and/or materials:

- A street-level map that shows the general geographic area of the service area(s) to be improved through the proposed wireless facility (the “Service Area”).
- Full-color signal propagation maps in scale with the street level map that show current and predicted service coverage in the area for all active frequencies in Reference Signal Received Power (RSRP) (or other relevant signal level or quality indicator) and with a legend that describes the objective signal levels in Decibel-Milliwatts (dBm) that correspond to any colors used to depict signal levels on such propagation maps.
- A written narrative that describes the uses (commercial, residential, primary thoroughfare, highway, etc.) within the Service Area, and the manner in which those uses would be negatively affected if the Service Area were to remain unaddressed.
- A statement as to whether the applicant conducted any drive test(s) and, if so all drive test results and data (in .XLS or .CSV or similar format) together with a report that describes how and when the applicant conducted such test(s).

## 3. Network Map

Provide an overview map of the applicant’s network within the City’s jurisdictional and territorial boundaries that shows (1) all the existing wireless facilities that applicant currently owns and/or operates, (2) all future wireless facilities that are reasonably foreseeable within two years of the application submission; and (3) all existing wireless facilities that are not owned or proposed by the applicant but are within 500 feet of any proposed location. The map must provide a legend that distinguishes between “macro” cells and small cell facilities.

## XIV. ALTERNATIVE SITES ANALYSIS\*

**Instructions:** For applications not subject to Section 6409, provide a detailed written analysis that describes how the proposed wireless facility complies with all the applicable requirements in the *Aesthetic Guidelines and Standards for the Deployment of Telecommunication Facilities*, *Engineering Design Standards and Permit Conditions for Telecommunication Facilities*, and Fort Bragg Municipal Code, which includes without limitation the provisions specific to wireless facilities, and all the alternative locations and designs considered before submitting this application. Label this analysis “**Attachment 14 – Alternative Sites Analysis**” and attach



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it to the application. In addition, the analysis must include all the following required information and/or materials:

- A street-level map that shows the general geographic area surrounding the proposed location annotated to show:
  - All existing wireless facilities within the relevant geographic area
  - The search ring used for this particular project
  - All locations for each alternative site considered for this particular project
- For each alternative site considered, a detailed written description that includes, without limitation all the following:
  - The nearest physical address
  - Zoning district designation for the nearest private property
  - Support structure type considered
  - General design concept and concealment elements/techniques considered
  - Overall height and achievable antenna centerline height
  - The factual reasons why the applicant considered the potential alternative site location and/or design to be unacceptable, infeasible, unavailable or not in accordance with the design standards in the Fort Bragg Municipal Code and *Aesthetic Guidelines and Design Standards for the Deployment of Wireless Telecommunication Facilities*. **Note:** This explanation must include a meaningful comparative analysis and such technical information and other factual justification as are necessary to document the reasons why each alternative is unacceptable, infeasible, unavailable or not as consistent with the development standards . Conclusory statements that a particular alternative is unacceptable, infeasible, unavailable or not in accordance with the development standards will be deemed incomplete
  - For each alternative site *within the search ring*, signal propagation maps in scale with the street level map that show current and predicted service coverage in the area for all active frequencies in RSRP (or other relevant signal level or quality indicator) with and without the alternative site and with a legend that describes the objective signal levels in dBm that correspond to any colors used to depict signal levels on such propagation maps. The signal submitted to show before-and- after service from the applicant’s proposed site. If the applicant did not locate any alternatives within the search ring, the analysis must expressly state that no such alternatives were considered.

## **XV. ADDITIONAL APPROVALS.**

The Director of Public Works or his/her designee has the discretion to require other permits and regulatory approvals in connection with the small cell wireless facility in the City’s right-of-way, which are consistent with local, state and federal laws. The Director or his/her designee may formulate additional administrative policies and procedures consistent with compliance with the Fort Bragg Municipal Code, these Permit Guidelines, the *Aesthetic Guidelines and Standards for the Deployment of Telecommunication Facilities*, and other applicable rules and



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laws. For projects when a report evaluating the proposed facilities' potential to interfere with public safety communications is required by the Police Department, include that report as an addendum to the RF Compliance Report.

## **XVI. APPLICATION CONSIDERATIONS.**

The City shall have ten (10) days from the submission of the application to determine whether the application is complete or incomplete, as required by the Federal Communications Commission's October 15, 2018 Ruling ("FCC Ruling").

The City shall act on all authorizations necessary for the small cell wireless facilities' applications within the shot clock periods as determined by the FCC. Based on the FCC Ruling, the shot clock for a small cell wireless facility being placed on an existing structure shall be 60 days from submittal of the complete application. As for small cell wireless facilities being placed on a new or replacement structure, the shot clock is 90 days from submittal of the complete application.

If the City deems the application incomplete, the shot clock will reset once the applicant resubmits the supplemental information requested by the City. If after this initial notice of incompleteness the City makes a subsequent determination of incompleteness, then the shot clock will not be reset this time, but rather the FCC Ruling's tolling rules would apply.

These timelines are subject to modification subject to an agreement between the parties, or changes in the FCC rules or other applicable laws.