

7.4.608: REVIEW PROCEDURES AND REQUIREMENTS:

A. No new WCF shall be constructed and no Collocation or modification to any WCF may occur except after a written request from an applicant is reviewed and approved by the City in accordance with this Chapter. All WCFs shall be reviewed pursuant to the following procedures. Some submittal requirements described herein may be satisfied for Small Cell Facility applications through a master license agreement or similar authorization executed with the City.

B. Submittal Requirements for all WCFs except Eligible Facilities Requests. An applicant shall submit a complete Application. In addition to an application form, each applicant shall submit:

1. All submittal fees,
2. A Signal Non-Interference Letter,
3. A Radio Frequency Emissions Letter,
4. A lease, license or other written permission from the owner of the site,
5. A scaled site plan, photo simulations (before and after), scaled elevation view, and line-of-sight drawing/rendering,
6. If the application is for a new WCF, a Collocation Letter,
7. Other supporting drawings, calculations, and other documentation, signed and sealed by appropriate qualified professionals, showing the location and dimension of all improvements, including information concerning topography, radio frequency coverage, Tower height, setbacks, drives, parking, fencing, landscaping, adjacent uses, drainage, and other information deemed by the Manager to be necessary to assess compliance with this Section.
8. Except for Small Cell Facilities in the right-of-way, prior to approval, affidavits shall be required from the owner of the property and from the applicant acknowledging that each is responsible for the removal of a WCF that is abandoned or is unused for a period of twelve (12) months.

C. Inventory of Existing Sites. For the first WCF application submitted to the City in a calendar year, the applicant shall provide to the Manager a narrative and map description of the applicant's existing or then-currently proposed WCFs within the City. If possible, this will include a before and after graphic or map showing coverage changes by the installation of the WCF. This provision is not intended to be a requirement that the applicant submit its business plan, proprietary information, or make commitments regarding locations of WCFs within the City and all applicants for WCFs to share general information, assist in the City's comprehensive planning process, and promote Collocation by identifying areas in which WCFs might be appropriately constructed for multiple users. The requirement of any inventory of existing sites may be satisfied for Small Cell Facility applications through a master license agreement or similar authorization executed with the City.

D. The Manager may share such information with other applicants applying for administrative approvals or conditional permits under this section or other organizations seeking to locate WCFs within the jurisdiction of the City, provided however, that the Community Development Department, is not, by sharing such information, in any way representing or warranting that such sites are available or suitable.

E. Review Periods. Subject to tolling as provided for below, and unless a longer review period is agreed to by the applicant, applications for WCF shall be subject to a review period as follows:

1. One-hundred and fifty (150) days for a new WCF other than a Small Cell Facility in the Right-of-Way;
2. Ninety (90) days for a Small Cell Facility in the Right-of-Way;
3. Ninety (90) days for modifications to, or collocations with, existing WCFs that do not qualify as an Eligible Facilities Request.

The application shall not be deemed to be approved by the City for failure to meet the review period.

F. Tolling of Review Period for all WCFs other than Eligible Facilities Requests. The review period begins to run when the application is filed and may be tolled where the City determines that the application is incomplete, or by mutual agreement of the City and the applicant.

1. To toll the review period for incompleteness, the City must provide written notice to the applicant within thirty (30) days of receipt of the application.

2. The timeframe for review period continues running again when the applicant makes a supplemental written submission in response to the City's notice of incompleteness.

G. Decisions.

1. For applications other than Eligible Facilities Requests, the Manager shall review the application for conformance with the provisions in this Chapter and may approve, approve with conditions, or deny an application.

2. Each decision shall be in writing and supported by substantial evidence in a written record. The applicant shall receive a copy of the decision.

3. An approved application for a Small Cell Facility in the right-of-way shall expire after one (1) year if construction of the Small Cell Facility has not been completed.

H. Compliance with Applicable Law. Upon approval, all installation or modifications done to WCFs must be completed in accordance with all applicable building, structural, electrical, and safety requirements as set forth in City Code and any other applicable laws or regulations. In addition, all WCF applications shall comply with the following:

1. Comply with any permit or license issued by a local, state, or federal agency with jurisdiction over the WCF;
2. Comply with easements, covenants, conditions, restrictions and/or other title encumbrances on or applicable to the underlying real property;
3. Be maintained in good working condition and to the standards established at the time of application approval; and
4. Remain free from trash, debris, litter, graffiti, and other forms of vandalism. Any damage shall be repaired as soon as practicable, and in no instance more than thirty (30) calendar days from the time of notification by the City or after discovery by the owner or operator of the site. Notwithstanding the foregoing, any graffiti on WCFs located in the rights-of-way or on other City-owned property may be removed by the City at its discretion and without liability to the City upon fourteen (14) days' notice to the owner/and or operator of the WCF. The owner and/or operator of the WCF shall pay all costs of such removal within thirty (30) days after receipt of an invoice from the City.
5. Compliance Report. Upon request by the City, the applicant shall provide a compliance report within forty-five (45) days after installation of a WCF, demonstrating that as installed and in operation, the WCF complies with all conditions of approval, applicable Code requirements and standard regulations. (Ord. 20-27)