

# Section 6409(a) (Eligible Facilities Request) Modification



## Facts to Know

### Related Facts to Know

Telecommunications FTK, Development (PUD Permit) Plan FTK

For any request to construct a **new** facility see the *Telecommunications FTK* and the *Development Plan FTK*.

### Introduction

The requirements for eligible facilities requests are set forth in Section 6409(a) of the Spectrum Act of 2012 to streamline State and local government review of requests to modify existing wireless structures, and is implemented through the Federal Communication Commission, 47 C.F.R. § 1.6100.

The term “eligible facilities request” means any request for modification of an existing wireless tower or base station that does not impose a substantial change involving;

- 1) Collocation of new transmission equipment;
- 2) Removal of transmission equipment; or
- 3) Replacement of transmission equipment.

### What Is a Substantial Change?

A substantial change is a modification that changes the physical dimensions of an eligible facility to the following criteria:

**If all questions in the below section are answered “NO,” then the modification does not constitute a substantial change to the existing tower under 47 C.F.R. § 1.6100.**

YES/NO	Does the modification increase the height of the tower by more than the greater of:  (a) 10% (b) Or the height of an additional antenna array plus separation of up to 20 feet from the top of the nearest existing antenna?
YES/NO	Does the modification add an appurtenance to the body of the tower that would protrude from the edge of the tower more than 20 feet or more than the width of the tower structure at the level of the appurtenance, whichever is greater?

# FTK: Section 6409(a) (Eligible Facilities Request) Modification

YES/NO	Does the modification involve the installation of more than the standard number of new equipment cabinets for the technology involved or add more than four new equipment cabinets?
YES/NO	Does the modification entail any excavation or deployment outside the current site by more than 30 feet in any direction, not including any access or utility easements?
YES/NO	Does the modification defeat the concealment elements of the eligible support structure?
YES/NO	Does the modification violate conditions associated with the siting approval with the prior approval the tower or base station other than as specified in 47 C.F.R. § 1.6100(c)(7)(i) – (iv)?

## General Timeframe

Within 60 days of the date on which an applicant submits complete application seeking approval under this section, the City shall approve the application unless it determines that the modification is a substantial change.

- Should the application be deemed incomplete by the City, the City has 30 days to request missing documents and additional information.
- Should the City fail to approve or deny a request within the timeframe for review, the request shall be deemed granted.

## Eligible Facilities Review Process

1. For any existing wireless tower or base station, the applicant will use the building permit application process and pay the associated fee.
2. The Building Department will assign the Building Permit to an assigned planner.
3. The assigned planner will determine within 30 days of receipt of the application whether the proposed modification is consistent with the provisions of Section 6409 (a) and if the application is complete.
4. Should the application meet the standards for section 6409(a) and not constitute a substantial change, the applicant may proceed with the building permit process.
  - a. In the event that an eligible facilities request is found to have a “substantial change”, an official letter of denial must be sent to the applicant in writing, specifically delineating the reasons for denial.

# FTK: Section 6409(a) (Eligible Facilities Request) Modification

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## Submittal Requirements

- Two copies of a written statement describing the need and purpose of the proposed facility, what alternative locations were considered, how it meets the standards for that type of facility, and ways in which any potential negative impacts have been mitigated.
  
- Two copies of a site plan which includes:
  - Summary of site location (address) and ownership of structure to which collocation or modification applies
  - Property boundaries, setbacks, elevation and dimensions of collocation or modification project –
  - Summary and scope of work to be completed on site –
  - Changes to current site
  - Equipment type - Equipment specifications (Example: dimensions and weight)
  - Installation status: E.g., removing, updating, collocating - Equipment mount type
  - Elevation view of the proposed facility drawn to scale on 11" x 17" paper (at minimum), including separate elevations for fencing and equipment shelters, as well as all dimensions.
  - Any other information or technical studies, as determined by the City.