

EXHIBIT #4

STANDARDS FOR REVIEW OF COMMISSION REQUEST FOR REVIEW OF ENGINEER'S WAIVER OF BELOW-GRADE REQUIREMENTS FOR COMMUNICATIONS SERVICE FACILITIES

Under the City Commission request for review, the task before the Commission is to conduct a *de novo* review, supplemented by the record before the City Engineer at the time the City Engineer granted the exemption from the below-grade requirements for a communications service facility, utilizing the same standards and criteria used when the City Engineer evaluated the application for a waiver of the below-grade requirements. The underlying standards and criteria are outlined in subparagraphs (a) and (b) below.

(a) The Communications Service Facilities Ordinance (Code Sec. 25-100.1 & 25-100.2) states as a general rule after November 1, 2007 communications service facilities (e.g. AT&T cabinets) are to be constructed below-grade if located in (a) (i) city residential zoning districts, (ii) RO, ROA and ROC, or (iii) Broward County residential zoning districts or (b) rights-of-way that are contiguous to the boundaries of the above referenced zoning districts, unless a waiver is granted as to the below grade requirement by the City Engineer. Code Sec. 25-100.1 (b) (1). The City Engineer is authorized to grant such a waiver if the applicant can demonstrate by a preponderance of the evidence that a hardship would result from the imposition of the requirement. A "hardship" is demonstrated when the City Engineer determines from a review of all the evidence that placing the communications service facility below grade is (i) technologically infeasible, or (ii) not available in the marketplace, and (iii) all reasonable alternatives have been exhausted. Code Sec. 25-100.1 (b) (2).

(b) In the event the applicant seeks an exemption under Sec. 25-100.1 (b) (2), then the applicant must provide the City Engineer with a report prepared by one or more qualified experts in their respective field(s) certifying (i) the technological infeasibility of complying with the below-grade requirements or (ii) the financial infeasibility of complying with the below-grade requirements, including factual support therefor. In addition the applicant must produce evidence that all reasonable alternatives to construction of below-grade communications service facilities have been exhausted.

At the conclusion of the hearing, if the Commission finds that the record demonstrates that the foregoing criteria and standards in subparagraphs (a) and (b) above have been met, then the waiver should be approved. If those standards and criteria, in the

judgment of the Commission, have not been met, then the Commission may deny the waiver or grant the waiver with conditions.

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