

CITY OF LYNDHURST

APPLICATION FOR SMALL CELL FACILITIES USE PERMIT

**PLEASE REVIEW INSTRUCTIONS AND
SEE LAST PAGE FOR EXPLANATION OF NOTES**

Please complete the following and attach all required additional documentation. If applicable, also attach a PUCO certificate of public convenience and necessity. Return this application with three (3) copies of the application and all required documents to the City's Building Commissioner.

(1) Applicant Information:

Indicate Type of Facilities Operator: Operator Designated Agent of an Operator Other
(Please see Section 7(m) for instructions if Applicant is not an Operator)

Applicant: _____
Address: _____
Contact Name/Title: _____
Contact E-mail: _____
Contact Telephone: _____

(2) Emergency Contact (in case of disruption or damage):

Primary Contact: _____
Company: _____
Telephone: _____
E-mail: _____

(3) Application Type (CHECK ONLY ONE):

- Type 1: Eligible Facilities Request.ⁱⁱ
- Type 2: Application for Collocation of Small Cell Equipment on a Wireless Support Structure that does not constitute an Eligible Facilities Request.
- Type 3: New Wireless Support Structure. Such applications will address construction, modification, replacement, or removal of a Wireless Support Structure within the Right-of-Way.

(4) Application Review:

The City will approve or deny an application within the following timeframes, starting on the date of filing a complete application and further subject to tolling.ⁱⁱⁱ

- (a) Type 1 Applications: 60 days
- (b) Type 2 Applications: 90 days
- (c) Type 3 Applications: 120 days

(5) Proposed Location:

If more than one Facility is being requested in this application, please include an attachment describing each requested Facility (up to 30 Facilities) with the following information for **each** requested Facility:

Street address/intersection: _____
Zoning district: _____

Is there a Small Cell Facility within 300 feet of proposed location? YES _____ (distance in feet) NO

Is the proposed Facility located in a: Historic District?^{iv} YES NO Underground Area?^v YES NO

(6) Description of Proposed Facilities:

(a) Include the number of Facilities and size/height of **each** of the requested Facilities. Also describe all planned screening and concealment measures. Attach additional pages if necessary.

Applications for up to thirty (30) requests for substantially similar^{vi} Small Cell Equipment and substantially similar Wireless Support Structures may be consolidated, but applications for Small Cell Equipment cannot be combined with an application for a Wireless Support Structure.

(b) If alternative locations for the Facilities have been identified, please describe alternative location(s), including the distance, in feet, from the proposed location:

(c) TYPE 3 APPLICATIONS ONLY:

(i) Is Collocation on an Existing Wireless Support Structure technically feasible for the requested Small Cell Facility? YES NO N/A

(ii) Can the new Wireless Support Structure support more than one Small Cell Facility?
 YES NO N/A

(7) Required Documents

Please attach the following **required** documents to this Application:

- (a) **Site Development Plans.** Two (2) full-size, legible sets and one (1) reduced (to 11" x 17" min), legible set of completely dimensioned site development plans, scaled no smaller than one-inch equals forty feet (1"= 40'). The site development plans shall be prepared, stamped, and signed by an engineer licensed and registered in the State of Ohio showing:
 - i. The exact proposed location of the proposed Facilities within the Right-of-Way;
 - ii. Existing features on the site, including topography, streets, sidewalks, signs, crosswalks, fencing, buildings, existing Facilities with all existing transmission equipment, and major physical features within 100 feet of the site.
 - iii. The location of all overhead and underground public utilities, telecommunications, cable, water, sanitary sewer, and storm water drainage utilities in the Public Way within one hundred (100) feet surrounding the proposed Facilities.
 - iv. The legal property boundaries within one hundred (100) feet surrounding the proposed Facilities;
 - v. Distance, in feet, between the Facilities and existing curbs, driveways, sidewalks, trees, utilities, other poles, and existing buildings within one hundred (100) feet surrounding the proposed Facilities; and
 - vi. Access and utility easements within one hundred (100) feet surrounding the proposed Facilities.
 - 1. If the width of the Right-of-Way exceeds 100 feet, then state the width of the Right-of-Way in the Site Development Plans and depict the information required in (a)(ii) through (a)(vi) based on the width of the Right-of-Way instead of one hundred (100) feet.

- (b) **Elevation drawings.** Two (2) full-size, legible sets and one (1) reduced (to 11" x 17" min.), legible set of complete elevation drawings, scaled no smaller than one inch equals ten (10) feet, of the proposed Facilities prepared, stamped, and signed by an engineer licensed and registered in the State of Ohio. Elevation drawings shall identify colors and materials of all equipment shown and shall

indicate the natural grade on each elevation (cross-sections may also be required depending upon the complexity of the design).

- (c) **Photographs.** One (1) set of photographs of the existing condition of the site from the north, south, east and west and one (1) set of a photo simulations of the proposed Facilities from the north, south, east and west, depicting same elevation as photographs of existing site.
- (d) **Notice to Property Owners.** Evidence that the Applicant provided notice by mail to all property owners and addresses within 300 feet of the proposed Facilities prior to submitting the Application. The notice shall include:
 - i. Name of the Applicant;
 - ii. Estimated date Applicant intends to submit the Application;
 - iii. Detailed description of the proposed Facilities and the proposed location; and .
 - iv. Accurate, to-scale photo simulation of the proposed Facilities. Scale shall be no smaller than one inch equals forty (40) feet
- (e) A preliminary installation/construction schedule and completion date.
- (f) **Structural Calculations.** One (1) set of structural calculations prepared, stamped and signed by an engineer licensed and registered by the State of Ohio showing that the Wireless Support Structure can accommodate the weight of the proposed Small Cell Equipment.
- (g) **Analysis of Interference with Safety Communications Equipment.** Analysis demonstrating that the proposed Facilities do not interfere with the City's public safety radio system, traffic and emergency signal light system, or other City safety communications components.
- (h) **FCC Compliance.** An affirmation, under penalty of perjury, that the proposed Facilities will be FCC compliant. Please also include a report demonstrating compliance with applicable FCC standards for emissions from the proposed facility alone and in combination with any pre-existing facilities in the vicinity.
- (i) **Wind Resistance Safety Analysis.** Assessment of proposed Facilities demonstrating compliance with all applicable codes, prepared, signed, and sealed by an Ohio-licensed professional.
- (j) **Electrical Power Safety Analysis.** Assessment of proposed Facilities demonstrating compliance with all applicable electrical codes, prepared, signed, and sealed by an Ohio-licensed electrician.
- (k) **Landscape Plan.** One (1) set of plans demonstrating screening of proposed Small Cell Equipment.
- (l) **Equipment Information.** Drawings of the proposed facilities. For all equipment depicted, include, if applicable:
 - i. The manufacturer's name and model number;
 - ii. Physical dimensions, including, without limitation, height, width, depth and weight with mounts and other necessary hardware; and
 - iii. The noise level generated by the equipment, if any.
- (m) If Applicant is not an Operator, then the Applicant must provide written proof that the Applicant has been engaged by a Wireless Service Provider who will be the end user of the Facilities and that the Wireless Service Provider has authorized the Applicant to perform the specific work requested on behalf of the Wireless Service Provider.
- (n) If the Facilities are to be located on a Wireless Support Structure that is not owned or operated by the City, then the Applicant shall provide written confirmation of permission to use the Wireless Support Structure from the owner or operator of the Wireless Support Structure.

(8) Fees:

Application shall be deemed incomplete until the Application Fee is paid to the City. Checks must be made out to the City of Lyndhurst.

(a) Application Fee: \$250 (Calculated on a cumulative basis for a consolidated request.)

(b) Attachment Fee: \$200 annually per attachment to a Wireless Support Structure owned or operated by the City, due upon the City's approval of the Small Cell Use Permit.

(9) As-Built Drawings:

Within 30 days after installation is completed, Applicant shall provide the City with as-built drawings.

(10) Financial Surety:

The Applicant shall provide to the City an escrow deposit to ensure compliance with Section 779.06 of the Codified Ordinances and under division (J) of Section 4939.0314 of the Ohio Revised Code. The financial surety must be in an amount sufficient to cover the cost of removal of all Facilities owned or operated by the Facilities Operator.

(11) Indemnification:

_____ (NAME OF APPLICANT) HEREBY INDEMNIFIES, PROTECTS, DEFENDS, AND HOLDS THE CITY AND ITS ELECTED OFFICIALS, OFFICERS, EMPLOYEES, AGENTS, AND VOLUNTEERS HARMLESS AGAINST ANY AND ALL CLAIMS, LAWSUITS, JUDGMENTS, COSTS, LIENS, LOSSES, EXPENSES, FEES TO INCLUDE REASONABLE ATTORNEY FEES AND COSTS OF DEFENSE, PROCEEDINGS, ACTIONS, DEMANDS, CAUSES OF ACTION, LIABILITY AND SUITS OF ANY KIND AND NATURE, INCLUDING PERSONAL OR BODILY INJURY OR DEATH, PROPERTY DAMAGE OR OTHER HARM FOR WHICH RECOVERY OF DAMAGES IS SOUGHT, TO THE EXTENT THAT IT IS CAUSED BY THE NEGLIGENCE OF THE FACILITIES OPERATOR WHO OWNS OR OPERATES SMALL CELL FACILITIES AND WIRELESS SERVICE IN THE RIGHT-OF-WAY, ANY AGENT, OFFICER, DIRECTOR, REPRESENTATIVE, EMPLOYEE, AFFILIATE, OR SUBCONTRACTOR OF THE OPERATOR, OR THEIR RESPECTIVE OFFICERS, AGENTS, EMPLOYEES, DIRECTORS, OR REPRESENTATIVES WHILE INSTALLING, REPAIRING, OR MAINTAINING FACILITIES IN THE RIGHT-OF-WAY.

(12) Certification:

I hereby certify that the information and the statements submitted in this application and accompanying materials are true, complete, and accurate to the best of my knowledge and belief, and are made in good faith, and that the individual signing below has authority to act on behalf of the Facilities Owner.

Signature: _____ Date: _____

Printed Name and Title: _____

Address: _____

Contact information (telephone/email): _____

For City Use Only

Date of Determination of Completeness: _____

Notice of Incompleteness sent on: _____

All Required Information (including application fee) Submitted on: _____

Extensions of City review:

Extension date by agreement with Applicant (attach writing or e-mail)

_____ Extension date due to large number of requests _____

Approval Date: _____

Conditions of Approval (attach separate page if necessary):

If application is denied, attach written explanation identifying basis for denial. Reasons for denial may include:

- (1) Failure to provide information required under Section 903.07;
- (2) Failure to comply with Design Guidelines set forth in Chapter 905;
- (3) Failure to provide financial surety pursuant to Section 903.15;
- (4) Failure to remove abandoned Facilities as required under Section 903.12;
- (5) Conflict with the historic nature or character of the surrounding area;
- (6) Conflict with planned future improvements in the Right-of-Way; and
- (7) Failure to comply with generally applicable health, safety, and welfare requirements.

NOTES

ⁱ "Operator" means a wireless service provider, cable operator, or a video service provider that operates a small cell facility and provides wireless service, including a wireless service provider, cable operator, or a video service provider that provides information services as defined in the "Telecommunications Act of 1996," 110 Stat. 59, 47 U.S.C. 153 (20), and services that are fixed in nature or use unlicensed spectrum.

ⁱⁱ "Eligible Facilities or Eligible Support Structure Request" means any request for modification of an existing support structure or base station that does not substantially change the physical dimension of such support structure involving Collocation of new Facilities; removal of Facilities; or replacement of Facilities. A substantial change means:

- (i) A modification that changes the physical dimension of a Wireless Support Structure by increasing the height of the Wireless Support Structure by more than ten percent (10%) or more than ten (10) feet, whichever is greater; and/or by adding an appurtenance to the body of the Wireless Support Structure that would protrude from the edge of the Wireless Support Structure by more than six (6) feet;
- (ii) The installation of more than the standard number of equipment cabinets for the technology involved or the installation of more than (4) cabinets, whichever is less;
- (iii) The installation for any new ground-mounted equipment cabinets if there are not existing ground-mounted equipment cabinets;
- (iv) Any excavation or deployment outside of the current site of the Facility;
- (v) Removal of any concealment elements of the Facilities or the Wireless Support Structure; and
- (vi) Any change that does not comply with Chapter 903, the Design Guidelines set forth in Chapter 905, or state or federal law and regulations.

The threshold for measuring increases that may constitute a substantial change are cumulative, measured from the Facilities as originally permitted (including any modifications that were reviewed and approved by the City prior to the enactment of the Spectrum Act on February 22, 2012.)

ⁱⁱⁱ If the Application is incomplete, then the Applicant will be notified of the insufficiency, and the timeframes shall be tolled until the Application is made complete. The timeframes may also be tolled as set forth in Section 903.08(a) and (b) of the Codified Ordinances, including by mutual agreement of the Applicant and City.

^{iv} "Historic district" means a building, property, or site, or group of buildings, properties, or sites that are either of the following:

- (i) Listed in the national register of historic places or formally determined eligible for listing by the keeper of the national register, the individual who has been delegated the authority by the federal agency to list properties and determine their eligibility for the national register, in accordance with section VI.D.1.a.i-v of the nationwide programmatic agreement codified at 47 C.F.R. part 1, Appendix C;
- (ii) A registered historic district as defined in section 149.311 of the Revised Code. (Section 905.01(b)(9) of the Codified Ordinances)

^v "Underground Area" means an area in the Right-of-Way where existing electric utilities, cable facilities, telecommunications facilities and other facilities, other than structures and facilities owned by the City or a transit authority, are located underground. (Section 905.01(b)(15) of the Codified Ordinances)

^{vi} Small Cell Facilities shall be considered substantially similar when the Small Cell Equipment is identical in type, size, appearance and function. Wireless Support Structures shall be considered substantially similar when the Wireless Support Structures are identical in type, size, appearance and function and are to be located in a similar location. (Section 903.04(a)(1) and (2) of the Codified Ordinances)

INSTRUCTIONS FOR SUBMITTING SMALL CELL FACILITIES USE PERMIT APPLICATION

- (1) Applicants should review Chapters 903 and 905 of the Codified Ordinances of the City of Lyndhurst prior to submitting an application.
- (2) All Small Cell Facilities and Wireless Support Structures must comply with the Design Guidelines set forth in Chapter 905.
- (3) Applicants are encouraged to meet with the City Engineer before filing an application for a Small Cell Use Permit. Please contact the Building Commissioner at (440)-473-5108 or maichlej@lyndhurst-oh.com to schedule a pre-application conference.
- (4) Please note that a Small Cell Use Permit is not required for the following:
 - (a) Routine maintenance of wireless facilities; or
 - (b) The replacement of wireless facilities consistent with the Design Guidelines set forth in Chapter 905.10 when the replacement wireless facilities are either:
 - (i) Substantially similar to the existing wireless facilities; or
 - (ii) The same size or smaller than the existing wireless facilities.
- (5) Accessory Equipment, Collocation, Facilities, Right-of-Way, Small Cell Facility, Small Cell Equipment, Wireless Service Provider, and Wireless Support Structure shall have the same meanings as set forth in Section 903.01(b) and Section 905.01(b) of the Codified Ordinances, and as set forth in Ohio Revised Code Section 4939.01.
- (6) Applicants must submit an original and at least three (3) copies of this application and all required documents.