

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, along with a PDF file, to the City's Building Commissioner.

(1) Applicant Information:

Indicate Type of Facilities Operator: Operator Designated Agent of an Operator Other

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

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.

(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 this proposed Facility located in a: Historic District? Yes No Underground Area? 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 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 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"x17" min), legible set of completely dimensioned site development plans and scaled no small than one-inch equals forty feet (1"=40) and a PDF file of the plans. The Development plans shall be prepared, stamped and signed by a licensed and registered Engineer in the State of Ohio showing:

- i. the exact proposed location of the proposed Facilities with 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 require in (a) (II) through (a)(VI) based on the width of the right-of-way instead of one hundred (100) feet.

(b) Elevation drawings. A PDF file and two(2) full-size, legible sets and one (1) reduced (to 11"x17" min.) , legible set of complete elevation drawings, scaled no smaller than one inch equals ten (10) feet or the proposed facilities prepared, stamped and signed by a licensed and registered Engineer 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) RF Compliance Affidavit. Applicants must submit a sworn affidavit prepared and signed by an RF engineer with knowledge about the proposed project that affirms the proposed project will be compliant with all applicable governmental regulations in connection with human exposure to radiofrequency emissions. The affidavit must include (1) all frequencies on which the equipment will operate; (2) how many channels will be used on each frequency; (3) the effective radiated power ("ERP") output level in measured watts and (4) the height above ground for the lowest point on the lowest transmitter. The required disclosures must be included for all transmitters on the support structure, which includes without limitation existing collocated antennas and antennas used for wireless backhaul (such as microwave dish antenna or U/E relay).

(d) Regulatory Authorization. To the extent that the applicant claims any regulatory authorization or other right to use the Public Way, the applicant must provide a true and correct copy of the certificate, license, notice to proceed or other regulatory authorization that supports the applicants claim.

(e) Owner's Authorization. Applicants must submit evidence sufficient to show that either (1) the applicant owns the proposed support structure or (2) the applicant has obtained the owner's authorization to file the application.

(f) Site Plans and Structural Calculations. The applicant must submit fully dimensional site plans, elevation drawings and structural calculations prepared, sealed, stamped and signed by a licensed and registered Engineer by the State of Ohio. Drawings must depict any existing small cell facilities and wireless support structures with all existing transmission equipment and other improvements, the proposed facility with all proposed transmission equipment and other improvements and the legal boundaries of the leased or owned are surrounding the proposed facility and any associated access or utility easements.

i. **Photo Simulations.** For all applications other than a Type I application for a collocation or modification to an existing facility with no concealment, the applicant must provide photo simulations from at least two reasonable line-of-site locations in the vicinity of the proposed project site. Photo simulations must be included in the site plans on a separate sheet.

ii. **Equipment Specifications.** For all equipment depicted on the plans, the applicant must include (1) the manufacturer's name and model number; (2) physical dimensions, including without limitation height, width, depth and weight with mounts and other necessary hardware and (2) the ambient noise level generated from the equipment, if any.

(g) Justification Statement. For all Type II and Type III applications, the applicant must submit a written justification that includes (1) a short, plain statement to explain the applicants technical objective and how the proposed facility will suit that technical objective; (2) color signal propagation maps with objective signal measurements in dBm (RSSI or RSRP), if the technical objective involves a gap in the applicant's service coverage, (3) forward data volume and average eligible scheduled user data for the affected macro site, if the technical objective is to offload traffic from an existing facility and (4) evidence that the applicant engaged in a reasonably diligent investigation as to whether any other potential locations would reasonably achieve the applicant's technical objective, including the physical address for each location and meaningful comparative analysis with the reasons why the applicant ruled out each alternative location. The City shall not require a justification statement when the applicant proposes a Type 1 application or a standard configuration facility subject to minor review, as defined in these guidelines.

(h) Eligible Facilities Request Worksheet. If Applicable, the applicant must submit a completed Eligible Facilities Request Application.

(i) Deposit Necessary to Cover Cost of Consultant. If the City determines the need to retain a consultant for services required herein, a deposit will be required to cover the City's estimated costs to retain the consultant. The estimate shall not be binding on the City and the City may require further deposits.

(j) A preliminary Installation/construction schedule and completion date.

(k) Analysis of interference with Safety Communications Equipment. Confirmation 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.

(l) Landscape Plan. One (1) set of plans demonstrating screening of proposed Small Cell Equipment.

(m) 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.

(8) Notice to Property Owners. The applicant shall provide notice by mail to all property owners and addresses within 300 feet of the proposed Facilities. The notice shall include:

(a) Name of Applicant

(b) Estimated date Applicant intends to submit the Application.

(c) Detailed description of the proposed Facilities and the proposed location, and.

(d) Accurate, to-scale photo simulation of the proposed Facilities. Scale shall be no smaller than one inch equals forty (40) feet.

(9) An Application shall be deemed incomplete until the Application Fee is paid to the City. Check must be made out to the City of Lyndhurst.

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

(b) Attachment Fee \$600 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.

(10) 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, COST OF DEFENSE, PROCEEDINGS, ACTION, LIABILITY AND SUITS OF ANY KIND AND NATURE, INCLUDING PERSONAL OR BODILY INJURY OR DEATH, PROPERTY DAMAGE OR OTHER HARM FOR WHICH RECOVER 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 REPRESENTIVES 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 the authority to act on behalf of the Facilities Owner.

Signature: _____ Date: _____

Printed Name and Title: _____

Address: _____

Contact information (Telephone/email): _____