



CITY COUNCIL WORK SESSION AGENDA

Work Session - Small Cells

Municipal Building & Virtual

This meeting will be held in-person and virtual.

**25 Crescent Road
Greenbelt, MD 20770**

OR

Virtual Participation

Zoom Webinar Attendees:

**During "Petitions and Requests," please submit your request in writing via email to
questions@greenbeltmd.gov**

**[https://us02web.zoom.us/j/84101662662?](https://us02web.zoom.us/j/84101662662?pwd=dmZlWkdhdG1kd2x0TEtsK0xDWWZRUT09)
[pwd=dmZlWkdhdG1kd2x0TEtsK0xDWWZRUT09](https://us02web.zoom.us/j/84101662662?pwd=dmZlWkdhdG1kd2x0TEtsK0xDWWZRUT09)**

Dial-in: 301 715 8592

Webinar ID: 841 0166 2662

Passcode: 028029

Monday, August 22, 2022

7:30 PM

Work Session Packet

Work Session - Small Cells

Suggested Action:

Reference: Small Cell City Ordinance

City of Greenbelt Small Cell Antenna (5G) Informational Meeting 8.22.22
Final Application

Agenda

- Introductions
- Council Discussion
- Questions and Answers
- Other Items

[Small_Cell_City_Ordinance.pdf](#)

[City_of_Greenbelt_Small_Cell_Antenna__5G__Informational_Meeting_8.22.22.pdf](#)

[Final_Application.pdf](#)

City Council Work Session Agenda Item Report

Meeting Date: August 22, 2022

Submitted by: Shaniya Lashley-Mullen

Submitting Department: Administration

Item Type: Work Session Item

Agenda Section: Work Session Packet

Subject:

Work Session - Small Cells

Suggested Action:

Reference: Small Cell City Ordinance

City of Greenbelt Small Cell Antenna (5G) Informational Meeting 8.22.22

Final Application

Agenda

- Introductions
- Council Discussion
- Questions and Answers
- Other Items

Attachments:

[Small_Cell_City_Ordinance.pdf](#)

[City_of_Greenbelt_Small_Cell_Antenna__5G__Informational_Meeting_8.22.22.pdf](#)

[Final_Application.pdf](#)

Introduced: Ms. Davis
1st Reading: December 10, 2018
Passed: December 10, 2018
Posted: December 11, 2018
Effective: December 10, 2018

ORDINANCE NUMBER 1367

AN ORDINANCE TO AMEND CHAPTER 5 OF THE CITY CODE TO ADD A NEW CHAPTER 5A TITLED "FRANCHISES AND PERMITS FOR WIRELESS COMMUNICATIONS FACILITIES" AND AMEND CHAPTER 18 OF THE CITY CODE BY ADDING A NEW DIVISION 6 TITLED "MINIMUM REQUIREMENTS FOR OCCUPATION OF RIGHTS-OF-WAY"

WHEREAS, 5-202 of the Local Government Article of the Annotated Code of Maryland provides that the Mayor and Council of the City of Greenbelt have the authority to pass such ordinances as it deems necessary to preserve peace and good order, and to protect the health, comfort and convenience of the residents of the municipality; and

WHEREAS, 2(a)(13) of the Local Government Article of the Annotated Code of Maryland provides that the Mayor and Council of the City of Greenbelt have the authority to pass such ordinances to provide for the City to generally grant public utility franchises; and

WHEREAS, the City Code, Chapter 5, "Cable Television", the City's Cable Communications Regulatory Code and lends itself to outline the Regulatory Code for other Communications Systems; including wireless facilities; and

WHEREAS, § 3(5) of the Local Government Article of the Annotated Code of Maryland provides that the Mayor and Council of the City of Greenbelt to regulate the use of sidewalks and all structures in, under, or above them; and

WHEREAS, the City deems it to be necessary and appropriate to provide for certain standards and regulations relating to the location, placement, design, construction and maintenance of telecommunications towers, antennas and other structures within the City's public rights-of-way, and providing for the enforcement of said standards and regulations, consistent with federal and state law limitations on that authority. NOW, THEREFORE,

BE IT ORDAINED by the Council of the City of Greenbelt, Maryland, that the City Code be amended to read as follows:

Chapter 5A

Franchises and Permits for Wireless Telecommunications Facilities

Section 5A-1. General provisions.

- (a) Title. This chapter shall be known and may be cited as the "Wireless Telecommunications Code."
- (b) Effective date and repealer. This chapter shall take effect and be in force from and after passage. All prior ordinances or parts of ordinances in conflict with the provisions of this chapter are hereby repealed.
- (c) Findings and purpose.
 - (1) The City of Greenbelt, Maryland (the "City") finds that the further development of wireless communications may result in great benefits for the people of the City. However, it is projected that development of wireless telecommunications networks may require placement of more and different facilities in the rights-of-way than have been placed in the rights-of-way previously, and those facilities can vary dramatically in size and form, and may have significant impacts on the community.
 - (2) The City finds that minimization of clutter and vertical structures in the rights-of-way is important to the welfare of the community, and that placement near residential structures, in underground areas, or areas that will be undergrounded, and in historical areas should be restricted where not critical to the provision of services.
 - (3) The City already regulates the placement and design of other facilities that are placed in the rights-of-way, to the extent permissible under law, through franchising and permitting processes and local regulations and practices. The City intends to apply similar principles to the regulation of wireless telecommunications facilities.
 - (4) However, because Federal Communications Commission regulations and federal law require that special procedures be applied to consideration of applications for certain wireless telecommunications facilities, the City finds that it is appropriate to specify certain requirements in the code to provide clearer guidance with respect to the placement of wireless telecommunications facilities in the rights-of-way.
- (d) Intent. The City intends that all provisions set forth in this chapter be construed to serve the public interest and the foregoing public purposes, and that any franchise issued

pursuant to this chapter be construed to include the foregoing findings and public purposes as integral parts thereof.

- (e) Delegation of powers. The City may delegate the performance of any act, duty, or obligation, or the exercise of any power, under this chapter or any franchise agreement to any employee, officer, department or agency, except where prohibited by applicable law.
- (f) Implementing regulations. The provisions of this chapter, and the forms for submission of applications may be adopted by regulation approved as provided in this Code.
- (g) Public use. Except as otherwise provided by Maryland law, any use of the rights-of-way authorized pursuant to this Chapter will be subordinate to the City's use and use by the public.

Section 5A-2. Definitions and usage.

- (a) Definitions and usage, general. For the purposes of this chapter, the following terms, phrases, words, and abbreviations shall have the meanings given herein, unless otherwise expressly stated. When not inconsistent with the context, words used in the present tense include the future tense; words in the plural number include the singular number, and words in the singular number include the plural number; and the masculine gender includes the feminine gender, and vice versa. The words "shall" and "will" are mandatory, and "may" is permissive. References to state or federal laws or regulations refer to those laws or regulations as they may be amended. References to agencies refer to the agencies or their successors or designees.
- (b) Application: A formal request, including all required and requested documentation and information submitted by an Applicant to the City for a wireless placement permit.
- (c) Applicant: A person filing an application for placement or modification of a wireless telecommunications facility in the right-of-way.
- (d) Base Station: The term "base station" shall have[s] the same meaning as in 47 C.F.R. Section 1.40001.
- (e) City Manager: The chief administrative officer for the City of Greenbelt, or its designee.
- (f) Construction, modification and repair: shall be broadly construed to include all activities conducted in the rights-of-way with respect to a facility, including but not limited to construction, removal, relocation, alteration, and replacement.
- (g) FCC: The Federal Communications Commission.
- (h) Micro wireless facility: A wireless facility having dimensions no larger than twenty four (24) inches in length, fifteen (15) inches in width and twelve (12) inches in height, and an exterior antenna, if any, no longer than eleven (11) inches, and which antenna may be enclosed in an imaginary cylinder no larger than one (1) inch in diameter.

- (i) Operation: Activities affecting detectable attributes of facilities in the rights-of-way that may physically affect persons or property, such as noise and radio frequency emissions. The term as used in this section does not include radio frequency interference with other licensed facilities.
- (j) Right-of-Way, or ROW: The surface, the air space above the surface, and the area below the surface of any public street, highway, lane, path, alley, sidewalk, boulevard, drive, bridge, park, parkway, easement, or similar property within the City, and in whole or part under the control of the City which, consistent with the purposes for which it was dedicated, may be used for the purpose of installing and maintaining a wireless telecommunications facility.
- (k) Support Structure: Any structure capable of supporting a base station.
- (l) Tower: Any structure built for the sole or primary purpose of supporting any FCC-licensed or authorized antennas and their associated facilities, including structures that are constructed for wireless services, including, but not limited to, private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul, and the associated site. This definition does not include utility poles.
- (m) Underground areas: Those areas where there are no electrical facilities or facilities of the incumbent local exchange carrier in the right-of-way; or where the wires associated with the same are or are required to be located underground; or where the same are scheduled, whether now or at a future time, to be converted from overhead to underground. "Electrical facilities" are distribution facilities owned by an electric utility and do not include transmission facilities used or intended to be used to transmit electricity at nominal voltages in excess of 35,000 volts.
- (n) Utility Pole: A structure in the rights-of-way designed to support electric, telephone, and/or similar utility lines, and which cable operators or telecommunications service providers may use at regulated rates. A utility pole is not a tower.
- (o) Wireless Permit: A permit issued pursuant to this Chapter, authorizing the construction, modification, or repair of a wireless telecommunications facility of a design specified in the permit at a particular location within the right-of-way.
- (p) Wireless Service Provider. An entity that provides wireless services to end users.
- (q) Wireless services: Any FCC-licensed or authorized service, including, but not limited to, private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services, such as microwave backhaul and the associated site.
- (r) Wireless Infrastructure Provider: A person that owns, controls, operates, or manages a wireless telecommunications facility or portion thereof within the right-of-way.
- (s) Wireless Regulations: Regulations adopted implementing the provisions of this Chapter.

- (t) Wireless Telecommunications Facility: A facility at, or proposed for, a fixed location consisting of a base station, any accessory equipment, and the support structure, if any, associated that is, or that the application proposes will be, associated with the base station.

Section 5A-3. Franchise Required.

- (a) Franchise required. Any person (other than the City, the State, or a subdivision of the State) who will own or control a wireless telecommunications facility in the right-of-way used to provide wireless services must obtain a franchise therefore from the City, unless that person holds a franchise from the State which authorizes it to use the rights-of-way for that purpose, without further permission of the City. An additional franchise is not required for installation of a utility pole or equipment required to install communications lines, electricity or other services to a wireless telecommunications facility by an entity that occupies the rights-of-way and is permitted to perform such work pursuant to a franchise from the City or State.
- (b) Not in lieu of permit or agreements. The franchise is not in lieu of a wireless permit, or any other permit that may be required under this Code in connection with the construction, modification or repair or operation of a wireless telecommunications facility. The permit is not in lieu of agreements required for use of City-owned or controlled support structures, conduit, pipes or other infrastructure which may be used to deploy facilities.
- (c) Divisibility/Transferability. A franchise is not divisible, nor may it be transferred without the permission of City as specified in the franchise.
- (d) Exceptions.
- (1) Facilities used exclusively for public safety purposes are excepted from the requirements of this Section.
 - (2) Because a wireless infrastructure providers may not own or control all of the facilities within the wireless telecommunications facility that are used in the provision of wireless services, and may bear full responsibility for constructing, modifying and maintaining those facilities, the franchise for a wireless infrastructure provider may except any customer of the provider from this franchise requirement with respect to a wireless telecommunications facility, if a customer who owns or controls equipment within the wireless telecommunications facility acknowledges and agrees, in a form acceptable to the City Attorney, that the City has not granted it a franchise or consent to be in the rights-of-way for any purpose; that it is bound by franchisee's representations; that it shall have no rights or claims against the City of any sort related to the facilities; that its facilities may be subject to taxes, fees or assessments as provided in Section 5A-3(d)(3); that the City may treat any equipment owned by such entity as if it were owned by franchisee for all purposes (including, but not limited to, removal and relocation); and that the facilities may only be used for

services specified in the franchise. Such customer must further acknowledge and agree that, to the extent it operates a wireless facility, it is responsible for complying with applicable law governing radio frequency emissions, and the City may take appropriate action against it and the franchisee for a violation thereof; and that it agrees that it will be jointly and severally liable for any acts or omissions associated with the wireless telecommunications facility; and will jointly and severally indemnify the City in accordance with this Code and any applicable provision of the franchise. The acknowledgement and agreement may be provided for all wireless telecommunications facilities of a franchisee occupied by the customer within the City, and need not be provided separately, facility by facility.

- (3) Wireless telecommunications facilities installed by a franchised utility solely for internal communications purposes do not require an additional franchise or a permit under this chapter, but the placement and design of such facilities is subject to the review and approval of the City.
- (e) Franchise fees. As a condition of exercising the franchise, each franchisee shall pay a franchise fee, which fee may be set from time to time by the City so that entities making similar use of the rights-of-way, for similar purposes, pay similar fees.
- (f) Limitations. The City may issue a franchise for placement of wireless facilities in the rights-of-way used in the provision of personal wireless services, or in the provision of Internet services to the public, subject to such conditions as the City may reasonably establish. For any other wireless services, City shall only issue a franchise upon a showing that the services to be provided are in the interest of the City, and placement in the right-of-way is appropriate; or that a franchise must be issued as a matter of law.

Section 5A-4. Wireless Permit Required.*

*In conformance with Chapter 18 "Streets and Sidewalks" of the City Code

- (a) Permit. A wireless permit is required for the construction, modification or repair of any wireless telecommunications facility, except as provided herein.
- (b) Exemptions. A wireless permit is not required for:
 - (1) The placement or modification of wireless telecommunications facilities on support structures owned, or under the control of, the City, the use of which is subject to control by enforceable contract for use of the facility between the City and the entity or entities that own or control the wireless telecommunications facility.
 - (2) The placement or modification of wireless telecommunications facilities by the City or by any other agency of the state solely for public safety purposes.

- (3) Modifications to an existing wireless telecommunications facility that makes no material change to the footprint of a facility or to the surface or subsurface of a public street if the activity necessary to modify the facility does not disrupt or impede traffic in the traveled portion of a street or sidewalk, and if the work activity does not change the visual or audible characteristics of the wireless telecommunications facility.
- (4) Installation of a "cell on wheels," "cell on truck" or a similar structure for a temporary period in connection with an emergency or event, but no longer than required for the emergency or event, provided that installation does not involve excavation, movement or removal of existing facilities.
- (5) A micro wireless facility strung between two utility poles and provided further that the installation does not require replacement of the strand, or excavation, modification or replacement of the utility poles, and complies with all applicable safety codes.
- (6) The City, by wireless regulation, may also exempt wireless telecommunications facilities that otherwise are subject to the provisions of this section from the obligation to obtain a permit to install or modify a wireless telecommunications facility where it is determined that because of the physical characteristics of the proposed facilities, and the work associated with them, such a permit is not required to protect the public health, welfare or safety, to maintain the character of a neighborhood or corridor, or to otherwise serve the purposes of this ordinance.

Section 5A-5. General Standards for Placement in the Rights-of-Way.

- (a) Generally. Wireless telecommunications facilities shall meet the minimum requirements set forth in this ordinance and the wireless regulations, in addition to the requirements of any other applicable law. Without limitation, the provisions of Chapter 18 apply to the construction, modification, repair and operation of wireless telecommunications facilities in the rights-of-way.
- (b) Waiver of Requirements. The wireless regulations and decisions on applications for placement of wireless telecommunications facilities in the rights-of-way shall, at a minimum, ensure that the requirements of this section are satisfied, unless it is determined that applicant has established that denial of an application would, within the meaning of federal law, prohibit or effectively prohibit the provision of personal wireless services, or otherwise violate applicable laws or regulations, under circumstances such that deployment of the facilities must be authorized. If that determination is made, the requirements of this ordinance, including any regulations and forms to implement this ordinance, may be waived, but only to the minimum extent required to avoid conflict with federal law.
- (c) Standards. Wireless telecommunications facilities shall be installed and modified in a manner that minimizes risks to public safety, avoids placement of aboveground facilities

in underground areas, avoids installation of new support structures or equipment cabinets in the public rights-of-way, avoids placement in a residential area when commercial areas are reasonably available, and otherwise maintains the integrity and character of the neighborhoods and corridors in which the facilities are located; ensures that installations are subject to periodic review to minimize the intrusion on the rights-of-way and compliance with health and safety codes; and ensures that the City bears no risk or liability as a result of the installations, and that such use does not inconvenience the public, interfere with the primary uses of the rights-of-way, or hinder the ability of the City or other government agencies to improve, modify, relocate, abandon or vacate the rights-of-way or any portion thereof, or the ability of the City or other government agencies to cause the improvement, modification, relocation, vacation or abandonment of facilities in the rights-of-way.

Comment [1]: I see no legal issue with this addition – but note typo

- (d) Concealment. Wireless permits shall incorporate specific concealment elements to minimize visual impacts, and shall incorporate design requirements ensuring compliance with all standards for noise emissions. Unless it is determined that another design is less intrusive or placement is required under applicable law:
- (1) Antennas located at the top of support structures shall be incorporated into the structure, or placed within shrouds of a size such that the antenna appears to be part of the support structure;
 - (2) Antennas placed elsewhere on a support structure shall be integrated into the structure, or be designed and placed to minimize visual impacts.
 - (3) Radio units or equipment cabinets holding radio units and mounted on a utility pole shall be placed as high as possible on the utility pole, placed to avoid interfering or creating any hazard to any other use of the public rights-of-way, and located on one side of the utility pole. Unless the radio units or equipment cabinets can be concealed by appropriate traffic signage, radio units or equipment cabinets mounted below the communications space on utility poles shall be designed so that the largest dimension is vertical, and the width is such that the radio units or equipment cabinets are minimally visible from the opposite side of the support structure on which they are placed.
 - (4) Wiring and cabling shall be neat and concealed within, or within conduit, flush to the support structure, ensuring concealment of these components to the greatest extent possible.
 - (5) Ground-mounted equipment associated with a wireless telecommunications facility shall be permitted only where consistent with the portion of the corridor in which it is to be placed, and may be required to be undergrounded, located in alleys or otherwise shielded. Ground-mounted equipment shall not interfere with pedestrian or vehicular traffic.
 - (6) Wireless telecommunications facilities shall comply with FCC regulations governing radio frequency (“RF”) emissions. Every wireless facility shall at all

times comply with applicable FCC regulations governing RF emissions, and failure to comply shall be treated as a material violation of the terms of any permit or lease. No permit shall be issued or effective unless it is shown that the wireless telecommunications facility will comply with those regulations; any areas where occupational or general public exposures will exceed FCC limits are identified, and there is a clear plan addressing safety for any areas where exposures may exceed those limits.

- (7) No towers shall be permitted in the public rights-of-way, and no wireless telecommunications facilities shall be permitted above-ground in underground areas; provided that the City may permit placements where all elements of the wireless telecommunications facility are concealed and the facility does not appear to a casual observer to be a wireless telecommunications facility. Any tower design must in any case be consistent with the corridor in which the facility is placed, and minimize the obtrusiveness of the facility considered individually and as part of a network of wireless telecommunications facilities.

- (e) No speculation. No permit shall be issued except to wireless service providers with immediate plans for use of the proposed wireless telecommunications facility; or wireless infrastructure providers with contracts with wireless service providers which require the service provider immediately to use the proposed wireless telecommunications facility.

- (f) Historic Districts. For placement of wireless telecommunications facilities in rights-of-way in historic districts:

- (1) The application must describe the impacts of the proposed construction, modification or repair, if any on the historic district, which analysis must consider the impact of any construction work required as well as the impact of the wireless telecommunications facility on the district. If any impacts are identified, the report should describe the steps taken by the applicant to mitigate the effect on the district.

- (2) Wireless telecommunications facilities in historic districts should be placed:

- a. so that they are not readily visible to the public, and are designed consistent with their surroundings; or
- b. on existing or replacement utility poles in the rights of way, with equipment and any replacement poles designed, sized and located consistently with existing facilities in the rights of way; and
- c. subject to conditions that preclude changes in the design or size of facilities without the discretionary approval of the City to ensure consistency with the historic district.

- (3) Permits will not be granted for construction, modification or repair of the wireless telecommunications facility if the City determines that there would be a material adverse effect on the district.

Section 5A-6. Application Submission Requirements.

- (a) Submission. Unless the wireless regulations provide otherwise, applicant shall submit a paper copy and an electronic copy of any application, amendments or supplements to an application, or responses to requests for information regarding an application to the Department of Planning and Community Development, or such other Department as the City Manager may specify. If forms are prescribed by the City, applications for a permit for a wireless telecommunications facility, and any other permit required in connection with that facility, must be submitted on those forms. Each application may be for up to ten (10) wireless telecommunications facilities, provided that the facilities are of similar design and intended to be placed in a similar manner as part of a single project. To avoid duplication, applicant may cross-reference information from one application to another if the applications are submitted at the same time.
- (b) Content. An application must contain:
- (1) Any information required pursuant to the wireless regulations;
 - (2) The name of the applicant, its telephone number and contact information, and if different, the name and contact information for the owner, operator, and/or wireless service provider that will be using the wireless telecommunications facility;
 - (3) A complete description of the proposed wireless telecommunications facility and the work that will be required to install or modify it, including, but not limited to, detail regarding proposed excavations, if any; detailed site plans showing the location of the wireless telecommunications facility and each piece of equipment, and specifications for each element of the wireless telecommunications facility, clearly describing the site and all structures and facilities at the site before and after installation or modification; and describing the distance to the nearest residential dwelling unit and any historical structure within 500 feet of the facility. Before and after 360 degree photo-simulations must be provided. The electronic version of an application must be in a standard format that can be easily uploaded on a web page for review by the public.
 - (4) If the application is an eligible facilities request, within the meaning of 47 C.F.R. Section 1.40001, the application must contain information sufficient to show that the application qualifies as an eligible facilities request, which information must include all the information required by Section 5A-6 (b)(1)-(3), and must:
 - a. include the permit that was granted for the existing facility;
 - b. show compliance with all conditions associated with that permit;

- c. identify all changes to the facility from the date of the issuance of the permit;
 - d. provide before and after 360-degree photo-simulations;
 - e. specify the excavation, if any, that will associated with the facility;
 - f. specify whether the supporting structure will be replaced, or a new supporting structure installed;
 - g. identify the number of ground cabinets and their sizes associated with the existing wireless telecommunications facility, and the number and sizes of all ground cabinets that will be associated with the wireless telecommunications facility after modification; and
 - h. identify changes to the height of the support structure; identify what, if any horizontal additions will be attached to the support structure; and identify the size and volume of all components of the wireless telecommunications facility before and after modification.
- (5) If applicant contends that denial of the application would prohibit or effectively prohibit the provision of personal wireless services, or otherwise violate applicable laws or regulations, under circumstances such that deployment of the facilities must be authorized, the application must provide all information on which the applicant relies in support of that claim. Applicants are not permitted to supplement this showing, if doing so would prevent City from complying with any deadline for action on an application and applicant does not agree to toll such deadline for the time necessary to accomplish review of the supplemental materials.
- (6) Applicant must submit any required fees as part of the application.
- (7) To the extent that filing of the wireless application establishes a deadline for action on any other permit that may be required in connection with the facility, the application shall include complete copies of applications for every required permit, including, without limitation, electrical permits, building permits, traffic control permits, and excavation permits, with all engineering completed, and with all fees associated with each permit included with the application. It is the applicant's sole responsibility to determine which, if any, additional permits are required in connection with the facility.
- (8) Requests for waivers from any requirement of this section shall be made in writing to the City Manager or his or her designee. The same may grant a request for waiver if it is demonstrated that, notwithstanding the issuance of a waiver, the City will be provided all information necessary to understand the nature of the construction or other activity to be conducted pursuant to the permit sought.

Section 5A-7.

- (a) *Fees.* For wireless telecommunications facilities, applicant must agree as part of its application to pay costs incurred by the City in reviewing the application.
- (1) The City Manager may set the fees for review, and shall review the fees periodically, and raise or lower those fees based on costs the City expects to incur.
 - (2) Until and unless the City Manager directs otherwise, the initial fee for review of each wireless telecommunication facility will be \$1,500 per facility, and an additional \$4,500 per wireless facility for each facility where applicant contends denial would result in an effective prohibition. If additional costs are incurred by the City in connection with the review, as may occur if the City is required to hire additional staff or third parties to review applications within time frames established by applicable law, City may require applicants to pay those additional costs.
 - (3) Prior to submitting an application, an applicant may seek a waiver of the fee requirement if it believes that because of the nature of the requests and number of requests submitted, the cost to the City of reviewing the application may be lower. City may grant that waiver subject to such conditions as may ensure that the City can recover the costs incurred by the City is reviewing the application.

Section 5A-8. Rejection for Incompleteness.

- (a) For personal wireless facilities, as that term is defined under federal law, and eligible facilities requests, as that term is defined under federal law, applications will be processed, and notices of incompleteness provided, in conformity with state, and local and federal law.
- (b) Incomplete applications may be rejected by a written order specifying the material omitted from the application, or the City may notify the applicant of the material omitted and provide an opportunity to submit the missing material. If the wireless application is incomplete, all permits that must be acted upon by the same date as that application will also be deemed incomplete, or denied. If any permit that must be acted upon by the same date as the wireless application is incomplete, both it the wireless application, and any other permit application associated therewith shall be declared incomplete or denied.

Section 5A-9. Termination of Permit/Breach.

- (a) *For breach.* A wireless telecommunications permit may be revoked for failure to comply with the conditions of the permit, franchise, or applicable law. Upon revocation, the wireless telecommunications facility must be removed; provided that, a support structure owned by City, a utility, or another entity authorized to maintain a support structure in the right-of-way need not be removed, but must be restored to its prior condition, except as specifically permitted by the City. All costs incurred by the City in connection with

the revocation and removal shall be paid by entities who own or control any part of the wireless telecommunications facility.

- (b) *For installation without a permit.* A wireless telecommunications facility installed without a wireless permit (unless for those exempted by this Chapter) must be removed; provided that, removal of support structure owned by City, a utility, or another entity authorized to maintain a support structure in the right-of-way need not be removed, but must be restored to its prior condition, except as specifically permitted by the City. All costs incurred by the City in connection with the revocation and removal shall be paid by entities who own or control any part of the wireless telecommunications facility.
- (c) *Term.* A wireless permit, other than a permit issued pursuant to an eligible facilities request, shall be valid for a period of five (5) years. A permit issued in response to an application constituting an eligible facilities request shall expire at the same time as the permit for the underlying existing wireless telecommunications facility, and shall only be valid so long as federal law requires the City to issue permits in response to eligible facilities requests. A person holding a wireless telecommunications permit must either remove the wireless telecommunications facility upon expiration (provided that removal of a support structure owned by City, a utility, or another entity authorized to maintain a support structure in the right-of-way need not be removed, but must be restored to its prior condition, except as specifically permitted by the City); or, at least ninety (90) days prior to expiration, must submit an application to renew the permit, which application must demonstrate that the visual impact of the wireless telecommunications facility cannot be reduced. The wireless telecommunications facility may remain in place until the application is acted upon by the City, and any appeals from the City's decision are exhausted.
- (d) *Municipal Infraction.* Any violation of this ordinance will be subject to the same penalties as a violation of outlined in Chapter 18 "Streets and Sidewalks" Article II. Construction, Improvements, Etc. Division I Sec.18-34. Violations and Penalties.

Section 5A-10. Vertical Infrastructure Controlled By City.

- (a) *Statement of Policy.* The City, as a matter of policy, will negotiate agreements for the use of City-owned or controlled light standards and traffic signals in the public rights-of-way.
- (b) *Subject to Agreement.* The placement of wireless telecommunications facilities on City-owned or controlled light standards and traffic signals in the public rights-of-way is contingent upon entry into, and shall be subject to the terms and conditions in the agreement. The agreement shall specify the compensation to the City for use of the structures. The person seeking the agreement shall additionally reimburse the City for all costs the City incurs in connection with its review of, and action upon the person's request for an agreement. It may, in its discretion, refuse attachment. Proposed placements will be expected to be consistent with the design of the light standards and/or traffic signals to which the wireless telecommunications facility is to be attached, and consistent with the design of other attachments to light standards and traffic signals in the area. Generally, the wireless telecommunications facility should be concealed, unless

placement without concealment will better preserve the design of the underlying facility. The placement may not adversely affect the operation of any light standard or traffic signal, or the financing for the same. Subject to the foregoing, in considering whether to permit a particular use, the City will consider standards that apply to other wireless telecommunications facilities in the same rights-of-way.

Section 5A-11. Administration.

- (a) City Manager. The City Manager is responsible for administering this Chapter. As part of the administration of this Chapter, the City Manager may:
- (1) Adopt administrative regulations governing the placement and modification of wireless telecommunications facilities consistent with the requirements of this Chapter, including regulations governing collocation and resolution of conflicting applications for placement of wireless telecommunications facilities, and guidelines for placement of wireless telecommunications facilities on City-owned or controlled structures in the rights-of-way.
 - (2) Interpret the provisions of this Chapter;
 - (3) Develop acceptable designs for wireless telecommunications facilities in particular corridors, taking into account the zoning districts bounding the rights-of-way. If an applicant uses an approved design for a particular corridor it will be deemed to satisfy the aesthetic standards of this ordinance and the wireless regulations.
 - (4) Issue any notices of incompleteness, requests for information, or conduct or commission such studies as may be required to determine whether a permit should be issued.
 - (5) Develop forms and procedures for submission of applications for placement or modification of wireless telecommunications facilities, and proposed changes to any support structure consistent with this Chapter.
 - (6) Collect, as a condition of the completeness of any application, any required fees.
 - (7) Establish deadlines for submission of information related to an application, and extend or shorten deadlines where appropriate and consistent with federal laws and regulations;
 - (8) Subject to appeal as provided herein, determine whether to grant, grant subject to conditions, or deny an application; and
 - (9) Take such other steps as may be required to timely act upon applications for placement of wireless telecommunications facilities, including, without limitation, issuing written decisions and entering into agreements to extend the time for action on an application.

(b) Decision; Reconsideration.

- (1) The City Manager may, in its discretion, conduct any investigation and take any steps necessary to determine, within the time limits specified by applicable law whether an application for a wireless telecommunications facility complies with the requirements of this Chapter, applicable provisions of the City Code, and any wireless regulations, and whether, based on that review, it should be granted, denied, or granted subject to conditions. Any person adversely affected by a decision of the City Manager may submit a request for reconsideration of that decision, and the City Manager may deny that request or grant it, and conduct such further investigations, or take such additional steps as may be required to reconsider the issues. Any decision on an application for a wireless telecommunications facility shall be in writing and based upon substantial evidence in a written record.
- (2) Reconsideration requests that involve eligible facilities requests, or small wireless facilities as defined in FCC regulations, or any successor provision, must be filed within five (5) business days of the written decision of the City Manager; all other reconsideration requests must be filed within ten (10) days of the written decision of the City Manager, unless the City Manager extends the time to do so; provided, however, that an extension may not be granted where an extension would result in approval of the application by operation of law. If no reconsideration request is filed, the decision of the City is final on the day after the last day reconsideration may be filed; if a request is filed, the decision of City is final on the date that the City Manager acts on the request.
- (3) Reconsideration is not permitted where reconsideration would result in a violation of applicable deadlines for action on an application.

Section 5A-12. Severability.

If any section, subsection, provision, sentence, clause, phrase or word of this Ordinance is for any reason held to be illegal or otherwise invalid by any court of competent jurisdiction, such invalidity shall be severable, and shall not affect or impair any remaining section, subsection, provision, sentence, clause, phrase or word included within this Ordinance, it being the intent of the City that the remainder of the Ordinance shall be and shall remain in full force and effect, valid and enforceable.

Chapter 18

STREETS AND SIDEWALKS

DIVISION 6. MINIMUM REQUIREMENTS FOR OCCUPATION OF RIGHTS-OF-WAY

Section 18-122. Application.

- (a) Occupant Defined. An “occupant” is a person who owns or controls permanent facilities in the rights-of-way, or (in the case of an application that will result in occupation of the rights-of-way), a person who will own or control permanent facilities in the rights-of-way.
- (b) Generally. Each occupant shall be subject to the requirements of this Section, except as may be provided in a valid franchise held by such occupant, or as may be prohibited by law; provided that, an occupant’s obligations may be limited to the duty to indemnify where:
- (1) the facilities of an occupant (such occupant being a “secondary occupant”); are wholly within the facilities of another occupant;
 - (2) the secondary occupant holds no franchise, and has no right to enter into the rights-of-way, or perform any work on its facilities;
 - (3) the secondary occupant’s property may be treated for all purposes (including notice) as the property of the occupant within whose facilities the secondary occupant is located;
 - (4) the occupant within whose property the secondary occupant’s property is located accepts full responsibility and liability for complying with all obligations hereunder with respect to the facilities of the secondary occupant and can grant such access to the secondary occupant’s facilities as necessary to permit the City, without liability to the secondary occupant, to perform any action contemplated hereunder;
 - (5) the secondary occupant accepts joint and several liability for the acts and omissions of the occupant;
 - (6) the City owes no duties to the secondary occupant; and
 - (7) the secondary occupant and the occupant responsible for the secondary occupant’s facilities submit a jointly-signed writing affirming the provisions hereof.
- (c) Code Compliance. An occupant shall at all times comply with all applicable provisions of the City Code and regulations. Any permit and any franchise authorizing occupancy of the rights-of-way may be terminated for violations of the Code and regulations, or the terms of any permit, as provided in this Chapter. Costs associated with compliance shall be borne solely by the occupant, and not by City, except as explicitly provided in a franchise or in the Code or regulations.

- (d) Inspections; Emergencies. The City may inspect an occupant's property, and may as a condition of the inspection require occupant to disconnect or remove any facilities that may present a hazard to the inspectors. City may direct occupant to correct any non-compliance found. The occupant shall cooperate with all inspections and may be present for any inspection of its facility by the City. Notwithstanding the foregoing, in an emergency or when the facility threatens imminent harm to persons or property, City may, without notice, inspect, support, repair, disable, or remove any elements of the occupant's facilities and charge occupant the costs therefore, which costs may be recoverable from the bond provided by occupant.
- (e) Contact. The occupant shall at all times maintain accurate contact information for all parties responsible for the facility, which shall include a phone number, street mailing address and email address for at least one natural person who may be contacted at all times in the event of an emergency.
- (f) Resources. An occupant shall maintain the persons and equipment necessary to allow it to respond immediately to any condition of or relating to the facility presenting a hazard to persons or property.
- (g) No guarantee or warranty by City. The City does not guarantee it has the authority necessary to permit an occupant to place or maintain a facility at any site. An occupant is responsible for ensuring it has all authorizations required in order to place a facility at a particular location. Permits improperly granted may be revoked. An occupant assumes all risks associated with placement of facilities in the rights-of-way.
- (h) Insurance. Occupant shall obtain and maintain insurance in the amounts and of types, and subject to such conditions, as may be specified by in any franchise, license or permit, or as may be specified by any other lawful means.
- (i) Indemnities. The occupant shall defend, indemnify and hold harmless the City, its agents, officers, officials, and employees (i) from any and all damages, liabilities, injuries, losses, costs, and expenses, and from any and all claims, demands, law suits, writs of mandamus, and other actions or proceedings brought against the City or its agents, officers, officials, or employees to challenge, attack, seek to modify, set aside, void or annul the City's approval of the permit, and (ii) from any and all damages, liabilities, injuries, losses, costs, and expenses, and any and all claims, demands, law suits, or causes of action and other actions or proceedings of any kind or form, whether for personal injury, death or property damage, arising out of or in connection with any action, or failure to act of occupant or those acting on its behalf, and arising out of the construction, modification, maintenance or operation of facilities in the rights-of-way, except where instances where indemnification is prohibited by Maryland law.
- (j) Performance and Removal Bond.
 - (1) Prior to issuance of a permit, the occupant shall file with the City, and shall maintain in good standing for so long as the facility is in place, a performance bond or other surety or form of security for the removal of the facility in the event

that the use is abandoned or the occupant's rights to occupy expire, or are revoked, or are otherwise terminated, or which may be drawn upon to reimburse City for any costs it incurs as a result of the failure of an occupant to comply with its obligations.

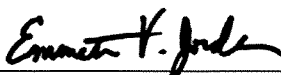
- (2) The amount of the performance bond will be specified by City and adjusted from time to time, following the valuation guidelines for determination of the amount of the bond required under Division 3. The City may increase or decrease the amount of the security based on the type and extent of the facilities of an occupant.
- (3) Where an occupant is required to obtain a bond under Division 3, the City may permit it to satisfy this requirement by a single bond covering construction of the facility and the ongoing occupancy of the rights-of-way.
- (k) *Adverse Impacts on Adjacent Properties.* Occupant shall place and maintain its facilities to avoid undue adverse impacts to adjacent properties and/or uses that may arise from the construction, operation, maintenance, modification, and removal of the facility, and is responsible for restoring property damages to their condition prior to the facility's installation, except as state law otherwise provides.
- (l) *Visual burden minimized. Maintenance of facilities.* All facilities shall be neatly placed and maintained, with unused facilities removed, so that the burden and visual impact of the facilities in the rights-of-way is minimized. Without limitation, it is not permissible to leave wires hanging, or leaving disconnected cabling and conduits on the sides of supporting structures in the rights-of-way.
- (m) *Noninterference with pedestrian and vehicular traffic.* Use by any occupant is secondary to use of the rights-of-way by vehicular and pedestrian traffic, and no facility may be placed in a manner that interferes with such uses. Without limitation, facilities may not be placed or maintained at locations that present a hazard to pedestrians or vehicular traffic (whether physically, or by obstructing sight lines); that violate ADA requirements; or that overhang any street, sidewalk, ramp or driveway unless the City has specifically approved that placement.
- (n) *Noninterference with public projects.* An occupant must promptly move, alter, temporarily relocate, or remove its facilities as necessary for any public project, including, but not limited to, installation of any publicly-owned utility, structure or facility, street widening or re-grading, widening or installation of sidewalks, or as part of an undergrounding project. If an occupant fails to move, alter, temporarily relocate, or remove its facilities by a time specified by City, City may cause the facilities to be removed, and charge the occupant for the cost thereof, which cost shall be recoverable against the bond.
- (o) *Movement for others.* An occupant must promptly, and at no charge to the City, move, alter, or temporarily relocate its facilities as necessary to permit use of the rights-of-way by other franchised entities or entities holding special permits from City that require such

movement, alteration or relocation. An occupant may charge the entity that causes such work to be performed for the cost of the work, except as may otherwise be provided by applicable laws or contract.

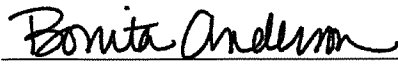
- (p) No Right, Title, or Interest. Permissions granted by the City to occupy the rights-of-way shall not in any event constitute an easement on or an encumbrance against the public right-of-way. No right, title, or interest in the public right-of-way, or any part thereof, shall vest or accrue in an occupant by reason of issuance of such permissions.
- (q) General Maintenance. The site and the facility, including, but not limited to, all landscaping, fencing, and related equipment, must be maintained in a neat and clean manner and in accordance with all approved plans. All graffiti on facilities must be removed at the sole expense of the occupant permittee within forty eight (48) hours after notification from the City.
- (r) Abandonment and termination. If a facility is not operated for a continuous period of six (6) months, rights to occupy the rights-of-way it may be treated as abandoned and rights to occupy terminated. City will provide notice of abandonment, and unless an occupant contends in writing submitted within ten (10) days of the notice, that the facility has not been abandoned, the facility will be deemed abandoned and the rights to occupy terminated. If an occupant contends that the facility has not been abandoned, it must provide all facts on which it relies for that contention as part of the submission to City. The City may then determine whether or not the facility is abandoned. If the facility is deemed or determined to be abandoned, City may direct the facility to be removed, and if not removed City by a time specified by the City. City may remove the facility and charge the occupant the cost therefore, which cost may be charged against the bond.
- (s) Records. Any occupant must maintain complete and accurate copies of all applications filed, and all permits and other regulatory approvals issued in connection with the facility, and maintain full and complete records identifying and showing the location of the facilities of occupant in the rights-of-way. Copies of the record shall be promptly provided to City on request, unless production of the records is prohibited by law. Maps of facilities must be provided in a format that will permit the information to be incorporated in the City's GIS system.

BE IT FURTHER ORDAINED that this Ordinance shall take effect immediately upon the date of its passage.

PASSED by the Council of the City of Greenbelt, Maryland, at its regular meeting of December 10, 2018.


Emmett V. Jordan, Mayor

ATTEST:



Bonita Anderson, City Clerk

Key:

Underscoring indicates language added to existing law.

~~Overstriking~~ indicates language deleted from existing law.

Asterisks *** indicate intervening existing Code provisions that remain unchanged.

ctc technology & energy

engineering & business consulting

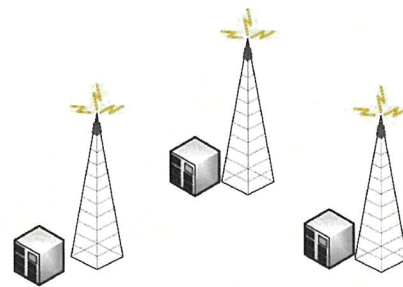
SMALL CELL DEPLOYMENT IN THE PUBLIC RIGHT-OF-WAY

City of Greenbelt – Council Meeting – August 22, 2022

James Crane, *Public Safety SME*
CTC Technology & Energy

Increase in wireless carrier locations

- ▶ Increase in mobile data demand
 - ▶ Requires increased data capacity
 - ▶ Requires improved coverage AND density
- ▶ Solution is more towers or alternatives



What is a small cell?



“‘Small cells’ is an umbrella term for operator-controlled, low-powered radio access nodes, including those that operate in licensed spectrum and unlicensed carrier-grade Wi-Fi. Small cells typically have a range from 10 meters to several hundred meters.” - Small Cell Forum

Metro cells
Pico cells



Femtocells
Microcells
Distributed Antenna Systems (DAS)

Development of small cells

- ▶ Historically, to support voice-only applications, wireless providers installed 150- to 200-foot transmission towers and monopoles (aka macro sites)
- ▶ Broadband 4G and 5G technologies require greater bandwidth and signal strength than voice-only
- ▶ Service providers moved from tall tower deployment to neighborhood wireless transmission facilities with smaller coverage

FCC regulations: public right-of-way

- ▶ FCC refers to small cell sites as Small Wireless Facilities (SWF)
- ▶ Carriers have the right to deploy in a jurisdiction's right-of-way (ROW)
- ▶ Jurisdictions cannot ban SWFs in the ROW
- ▶ Carriers must abide by jurisdictions' zoning and regulatory requirements in order to receive a building permit or equivalent
- ▶ Jurisdiction has 60 days to approve a qualified application
 - ▶ Ten calendar days to notify carrier if any corrections or further information is required
 - ▶ A Request for Information (RFI) stops the 60-day clock

FCC definition of an SWF

- ▶ The structure on which antenna facilities are mounted:
 - ▶ Is 50 feet or less in height; or
 - ▶ Is no more than 10 percent taller than other adjacent structures; or
 - ▶ Is not extended to a height of more than 10 percent above its preexisting height as a result of the colocation of new antenna facilities; and
- ▶ Each antenna (excluding associated antenna equipment) is no more than three cubic feet in volume; and
- ▶ All antenna equipment associated with the facility (excluding antennas) is cumulatively no more than 28 cubic feet in volume; and
- ▶ The facility does not require antenna structure registration; and
- ▶ The facility does not result in human exposure to radiofrequency radiation in excess of the applicable safety standards specified by federal law

Overview of application process

- ▶ Wireless carrier or a representative files an application for an SWF
- ▶ Application review
 - ▶ Verifies need for new antennas
 - ▶ Assures the support structure meets needs
- ▶ Recommendations based on:
 - ▶ Engineering
 - ▶ Zoning compliance
 - ▶ Appropriateness of siting to meet carrier's stated goals
 - ▶ Impact on community

Application review

- ▶ Engineering review: Can an existing structure be used to support the antenna(s)?
- ▶ Review documentation that demonstrates need (propagation maps for new structures)
 - ▶ Conduct site visit
 - ▶ Verify application information regarding site
- ▶ Evaluation of visual impact
 - ▶ Screening of equipment?
 - ▶ Commercial vs. residential areas

Application review

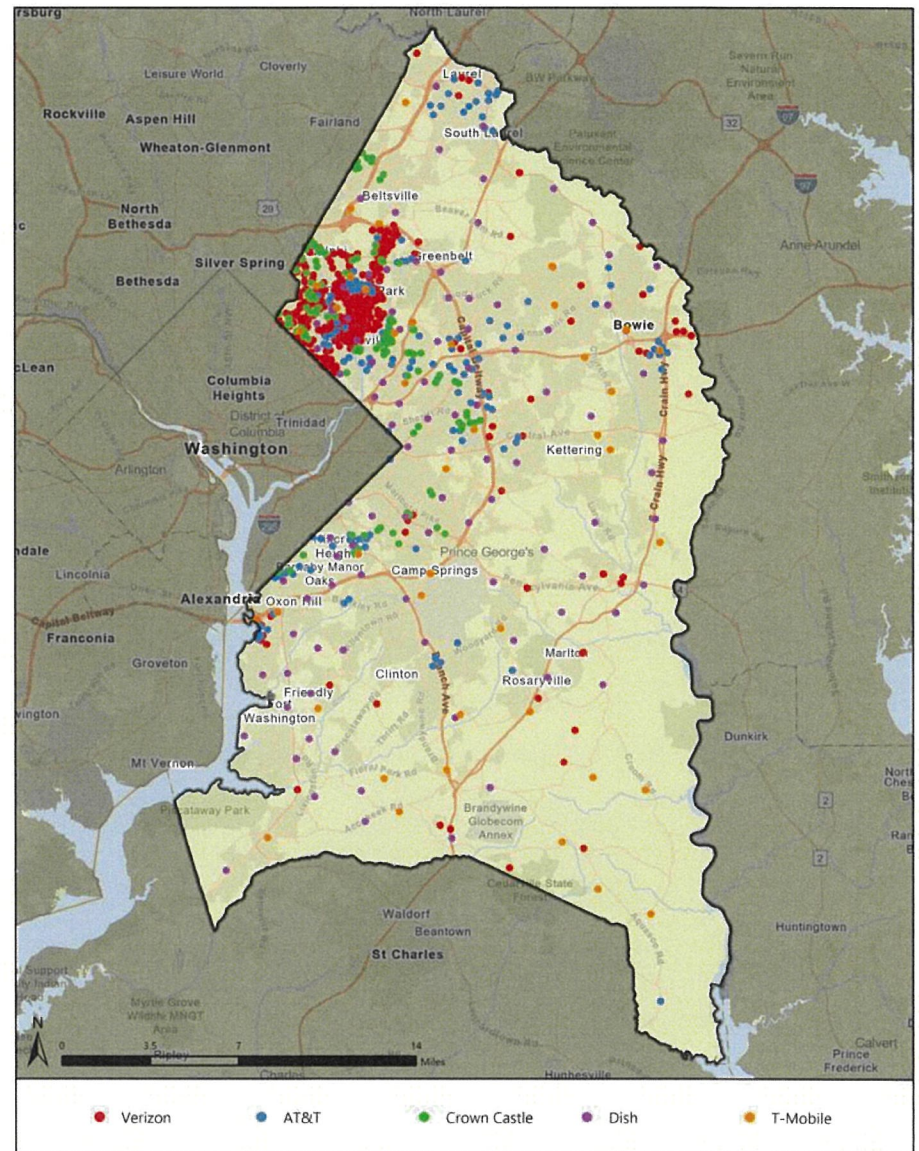
- ▶ Adding new antennas to an existing structure (utility pole, light pole)
- ▶ Zoning review: Is antenna placement permitted?
- ▶ Plan review: Are other antennas planned there?
- ▶ Radio frequency review: Are there any conflicts with the frequency utilized?
- ▶ Structural review: Can the structure physically support the new antennas?

County projections

- ▶ Each carrier is required to submit an annual plan on August 1.
- ▶ Dish Wireless: only on existing macro sites for colocation
- ▶ Crown Castle files on behalf of various carriers.
- ▶ 832 proposed for fiscal year 2023.
- ▶ 698 proposed for SWF.
- ▶ Carriers are under no obligation to make an application for all the sites included in their plans, but applications cannot be accepted unless noted on the plans.

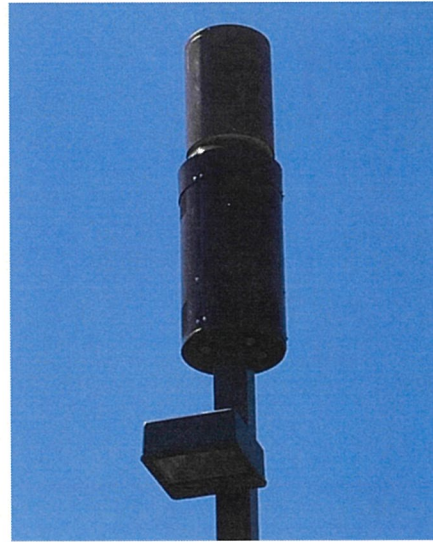
Carrier	Macro Sites	SWF
AT&T	13	22
Crown Castle	0	366
Dish Wireless	53	0
T-Mobile	16	0
Verizon	15	310

FY22 projected sites by carrier



American Legion - Glenarden

Private property; 12-inch antenna at 20 feet, 24-inch antenna at 30 feet



Bowie Walmart parking lot

27.5-inch antenna at 25 feet on a 42-foot light pole



ctc technology & energy

engineering & business consulting

QUESTIONS?

CITY OF GREENBELT
APPLICATION FORM INSTRUCTIONS FOR WIRELESS PERMIT:
FACILITIES IN PUBLIC RIGHT-OF-WAY

In addition to obtaining and maintaining any other permit or franchise required for placement and operation of the proposed facility in the rights-of-way, Chapter 5.A of the City of Greenbelt Municipal Code (the "Code") requires a wireless permit prior to the construction or modification or repair of most wireless telecommunications facilities ("WF"). Entities that are required by the Code to obtain a wireless permit must apply for one online at <https://smartsiting.com>. Failure to submit a complete form may result in the application being declared incomplete, or rejected. Upon completion of the initial application, forward three hard copies and a copy in electronic format to the City of Greenbelt (Greenbelt Department of Planning and Community Development, 15 Crescent Road, Suite 200, Greenbelt, MD 20770). Public notice by the applicant shall be provided as per the Franchise Agreement. In addition, the application will be available for public review and comment. Public review may be gathered by, but not limited to; website response, email, public hearing and/or any other method provided by the City. A summary of the application will also be posted in the local paper and will include information on how to access the complete application on the website. The electronic copy must be of a quality so that all information is eligible, and in a standard format readable without specialized software (e.g., .pdf).

Each application may be for up to ten (10) wireless telecommunications facilities, provided that the facilities are of similar design and intended to be placed in a similar manner as part of a single project. To avoid duplication, applicant may cross-reference information from one application to another if the applications are submitted at the same time.

When you are requested to provide the dimensions of a WF (or a supporting structure to which it will be attached), the dimensions should include all elements of a WF. For example, if the diameter of a supporting structure will change, that diameter should be identified. If the diameter will not change, but conduit will be added to or next to the supporting structure, it should be clear how far the conduit will extend from the structure, and whether it is flush-mounted or not.

If your response to a question includes attachments, label the attachments as exhibits that reference the Part and Question numbers. For example, for information requested in Part A, Question 5(a), label the documents: Exhibit A(5)(a).

It is up to you to determine what other authorizations and permits are required in addition to the wireless permit. The City is happy to meet with potential applicant to discuss the City's permitting requirements, and to review designs prior to submission of an application. An appointment can be scheduled by calling 301-345-5417. This pre-application meeting is strongly encouraged.

Under 5A-4, placement of WFs on City-owned infrastructure that is subject to a proprietary contract does not require an application. A person who wishes to use those facilities may submit a request to the City in accordance with Section 5A-10. Those requests should be submitted to Greenbelt Department of Planning and Community Development, 15 Crescent Road, Ste. 200, Greenbelt, MD 20770, and should set out a proposed contract, compensation terms, an agreement to pay City the costs of negotiating the agreement, and a detailed description of the project, including detailed engineering that shows not only the proposed placement of the requester's facilities, but also the relation of those facilities to the existing facilities, and that contained certified statements as to the impact, if any, of the proposed installation on any existing facility. It should also include information identical to that request in Part A 1-2. A person who wishes to discuss placement on City facilities prior to submitting a formal request may schedule an appointment by calling 301-345-5417. All engineering plans should be in detail with specifications and facility types clearly indicated.

CITY OF GREENBELT

APPLICATION FORM FOR WIRELESS PERMIT: FACILITIES IN PUBLIC RIGHT-OF-WAY

PART A: BASIC INFORMATION (ALL APPLICANTS)

1. Type of Application

Please check the applicable box(es) and provide the information required below as an attachment to this Application, along with a written explanation identifying the facts relied upon to support the claimed treatment. Please note that the reference to the FCC shot clocks does not bind the City to those clocks, but is included as a matter of convenience and is designed to reference the rules that were effective at the time this application was prepared. City will only be bound to comply with the shot clocks to the extent required by law. References to CFR provisions refer to those provisions or their successor provisions.

a) **Check all that apply:**

- ☐ This is a request for a "neutral host" facility. [that is, the facility is designed to be used by more than one provider of personal wireless facilities.
- ☐ Applicant will own and control all parts of the WF, other than a support structure owned by a third party. (if a portion of the facility will be owned by a third party, is subject to an IRU, or will be operated or maintained by a third party, do not check this box).

b) **Check one. This application is:**

- ☐ Eligible Facilities Requests. Applicant asserts that the application qualifies as an "eligible facilities request" (EFR) (as defined in 47 CFR § 1.6100(b)(3), or any successor provision). Applicant shall submit the information required in the Application Requirements Part A, Part B and Part C.1, ***The applicable FCC shot clock is sixty (60) days.***
- ☐ Small Wireless Facility (Existing Structure). Applicant asserts that the application is being submitted for approval of a Collocation of a Small Wireless Facility, that is, the proposed facility both meets the definition of "small wireless facility" and is a "collocation" (both as defined by 47 C.F.R. § 1.6002). Replacements of existing structures are not "collocations". Applicant shall submit the information required in Part A, Part B and Part C.2, and C.4 is applicable. ***The applicable FCC shot clock is sixty (60) days.***

Small Wireless Facility (New Structure). Applicant asserts that the application is being submitted for approval to deploy a Small Wireless Facility (as defined by 47 C.F.R. § 1.6002(l)) involving placement of a new structure. Replacements of existing structures are considered new structures. Applicant shall submit the information required in Part A, Part B and the Application Requirements Part C.2

FOR CITY USE

Notes may be used to identify issues with application in more detail., or to mark a particular requirement "NA" "Complete" means information was provided, and it is not an affirmation that the City has determined it is accurate.

☐ Complete
☐ Incomplete
Note: Multiple boxes may be checked.

☐ Complete
☐ Incomplete
Note: only one box should be checked

and if applicable, C.4. ***The applicable FCC shot clock is ninety (90) days.***

- ☐ Other Wireless Facility State or Federal Law Requires City to Allow in the ROW. Applicant asserts that the application is being submitted for approval of a type of WF that state or federal laws require the City to allow in the City's ROW. If you checked this box, please attach an explanation of the basis for your assertion, including citations to supporting law, and state what FCC shot clock you assert applies to this application, if any. Submit the information required in the Application Requirements Part A, B, Part C.2 and C.4 is applicable.
- ☐ Permit Renewal. Applicant asserts that the application is being submitted for a renewal of an existing wireless permit. If you checked this box, please submit a copy of the original permit, any prior renewals or extensions thereof, and the information required in the Application Requirements Section Part C.3 below, and Section C.4 if applicable.

2. Contact Information

- a) Applicant shall notify City of any changes to the information submitted within fifteen (15) calendar days following any such change.
- i) Identity of applicant:
Name: _____
Address: _____

Email: _____
Telephone: _____
Fax: _____
- ii) Identity of the person or persons that will respond to questions regarding this application. If a facility is a "neutral host" facility, a name must be provided of a person or persons who can attest to the answer to questions regarding the facilities and their operation.
Name: _____
Address: _____

Email: _____
Telephone: _____
Fax: _____
- iii) Identity of the any person who will own, control, operate or maintain any part of the proposed WF, other than a support structure owned by a third party.
Name: _____
Address: _____

FOR CITY USE

- ☐ Complete
☐ Incomplete
NOTES

- ☐ Complete
☐ Incomplete
[Note: Must be more than one contact for neutral host]

- ☐ Complete
☐ Incomplete
[Note: Must be more than one name if 2d box in 1.a is checked]

Email: _____
Telephone: _____
Fax: _____

Identity of the owner of any part of the structure on which the proposed WF would be installed.

Name: _____
Address: _____

Email: _____
Telephone: _____
Fax: _____

- iv) Identity of a contact person available to respond 24x7 to emergencies, or requests to shut down facilities.

Name: _____
Address: _____

Email: _____
Telephone: _____
Fax: _____

3. Purpose of Wireless Telecommunications Facility/Overview of Project

- a) Please provide a brief description of the project for which the permit is sought.
- b) Attach a map showing the location of the proposed WF (the electronic version should link to a map that can be opened in Google Earth, or a similar, generally available program).
- c) Except for eligible facilities requests, if the application is part of the development of a wireless network, please describe that network, including the number of facilities and the manner in which they will be connected (and whether excavation will be required, and if so, where), and provide a map (see requirements for part 3(b) showing the location of all facilities).
- d) Except for eligible facilities requests: Is the proposed wireless communications facility to be used for the provision of "personal wireless services" as defined by 47 U.S.C. Section 332(c)(7)(C)(i) on a sole or comingled basis?
- ☐ No. Specify the type(s) of wireless communications services to be provided using the proposed facility: _____.
- ☐ Yes. Specify the type(s) of personal wireless services: _____
- e) Except for eligible facilities requests: Identify the purpose of the proposed WF, including, specifically, the service objectives, and the specific personal wireless service problems that would be addressed by the facility. A neutral host should provide

FOR CITY USE

☐ Complete
☐ Incomplete
NOTES

☐ Complete
☐ Incomplete
NOTES

☐ Complete
☐ Incomplete
Notes

☐ Complete
☐ Incomplete
Notes

☐ Complete
☐ Incomplete
Notes

☐ Complete
☐ Incomplete
[Note: One box must be checked and additional information may be required]

☐ Complete
☐ Incomplete
NOTES

information that demonstrates that the proposed WF is not being built speculatively.

- f) Are you seeking a waiver of any provision of the City Code applicable to wireless facilities other than a waiver for reasons described in Section C.4?

☐ No.
☐ Yes

If yes, at the same time you submit this application you must submit a request for waiver, justifying the waiver to the City in accordance with the City Code. A copy of the waiver must be attached to this application.

4. Application Fees

- a) Applicant shall pay all applicable fees in the amounts established by the current fee schedule. In the event applicant has pre-paid all or a portion of applicable fees, please include a copy of the receipt from that transaction.

- b) Applicant must sign the following:
As required by the City Code of the City of Greenbelt, applicant agrees to pay all costs reasonably incurred by City in reviewing the application, including costs incurred in retaining outside consultants, and understands that the validity of any permit depends upon payment of that fee.

Signed: _____
Title: _____

5. Franchises, Authorizations and Licenses

To have a complete application, the applicant must have: (a) authorization to use the public rights-of-way; (b) licenses to provide proposed services; and (c) authorization to use the proposed structure.

- a) Does applicant have an existing franchise or other authorization to place wireless facilities in the public rights-of-way?

☐ No.

If no, the application will be considered incomplete unless applicant requests that authorization from City (see Part B).

☐ Yes.

If yes, explain source of applicant's right to use the public rights-of-way and submit related documentation.

- b) Has applicant (or other person identified in this application) obtained all applicable licenses or other authorizations to provide the services proposed in connection with the application, whether required by the Federal Communications Commission, Maryland Public Utilities Commission, or any other agency with authority over the proposed services.

FOR CITY USE

☐ Complete
☐ Incomplete
NOTES

☐ Complete
☐ Incomplete
NOTES

☐ Complete
☐ Incomplete
Notes

☐ Complete
☐ Incomplete
[Note: One box must be checked and additional information may be required]

☐ Complete
☐ Incomplete
[Note: One box must be checked and additional information may be required]

☐ No.

☐ Yes.

If yes, submit related documentation such as FCC licenses or authorizations, a certificate of public convenience and necessity or a wireless identification registration (WIR) from the Maryland Public Utilities Commission.

- c) Is proposed wireless facility to be attached to a structure owned or controlled by a third party (not the owner of the proposed wireless facility)?

☐ No.

☐ Yes.

- d) Do you have an agreement with that person to use the facility?

☐ No.

If no, the application will be considered incomplete.

☐ Yes.

If yes, provide a copy of the authorization or license to use the structure.

6. **RF.** : Please provide a study by a qualified RF engineer demonstrating and certifying that the proposed facility will comply with FCC RF standards. Any conditions on the certification (e.g., steps that should be taken to prevent exposures) should be identified. The study should be performed consistent with accepted practices, taking into account cumulative exposures from all relevant sources. The methodology and calculations used to determine exposures should be clear, and all sources considered in performing the calculation, the equipment and emissions levels should be identified. The study should clearly identify any area, in any plane, where the occupational or general public exposures limits would be exceeded.

7. Public Notice. At least thirty (30) calendar days prior to the submission of the Application for Wireless Permit for Facilities in the Public Right of Way, every applicant shall send an informational mailing to all adjoining property owners, including owners whose property lies directly and diagonally across a street, alley, or stream and to every municipality located within one mile of the new facility, and to all civic associations registered with the Maryland-National Capital Park and Planning Commission located within one mile of the new proposed small wireless facility. For a listing of civic associations, applicants shall submit a request at <https://mncppc.org/4750/Planning-Information-Services>. On that page, applicant would go to the Online Information Request Form. The request should ask for the Mailing List for the relevant property in regards to a Cell Tower Application. The parties will be notified by the informational mailing that they may request a briefing. A copy of the letter, a list of recipients and tracking number should be attached to the application. In addition, the application will be available for public review and comment. Public review may be gathered by, but not limited to; website response, email, public hearing and/or any other method provided by the City. A summary of the application will also be posted in the local paper and will include information on how to access the complete application on the website.

FOR CITY USE

☐ Complete

☐ Incomplete

Note: if answer to (c) is no, skip (d).

☐ Application is Complete

☐ Application is Incomplete

[Note: If answer to (c) was yes, application is only complete if "yes" is checked and additional information provided]

☐ Complete

☐ Incomplete

NOTES

PART B: ADDITIONAL PERMITS

1. Based on the work proposed in connection with this project, identify any and all additional permits, approvals, or agreements ("Ancillary Permissions") that will be required for any work within the boundaries of the City in order to deploy the WFs which you contend must be issued (absent agreement or exceptional circumstances) no later than by the same time the City must take action on the wireless application. It is your responsibility to review Code and policies and other state or FCC regulations applicable to the deployment of the WF within the City and identify every Ancillary Permission that will be sought in conjunction with that deployment. The failure to conduct the investigation and to accurately identify all Ancillary Permissions may be grounds for denying the application or for declaring it incomplete. For example, if the WF would be placed on a structure where historical review would be required at the state, federal or local level, the applications required for that review must be identified.
2. With respect to Ancillary Permissions please check one of the following:
☐ I have not applied for, or obtained any Ancillary Permissions.
☐ I have applied for or obtained Ancillary Permissions.
If you have already sought or obtained Ancillary Permissions, please identify the entity from whom you have sought/obtained approval, and provide a copy of the final permit, or the identifying code if the application is still pending.
3. If you have not already applied for every permit or authorization, or initiated every review required in connection with the deployment of the facility, please indicate by checkmark whether you agree with the following:
☐ I agree that any permit, authorization or review for which I have not identified and applied need not be issued by the time the City is required to act on this application, and any time limits for action on such permit, authorization or review will not commence until I file complete applications for the same.

If you do not check the box in response to item 3 this application will be incomplete unless you have filed complete applications for all permits, authorizations or reviews that may be required prior to deployment. This requirement is inserted strictly to ensure compliance with federal standards for action on permits and authorizations and reviews required in connection with an application. The City recognizes that as normal practice the same may be applied for after placement review is completed, and the City does not intend to require departure from that practice as long as review can be conducted consistent with FCC regulations.

FOR CITY USE

☐ Complete
☐ Incomplete
NOTES

☐ Complete
☐ Incomplete
NOTES

☐ Complete
☐ Incomplete
Note: list need not be provided if box for item 3 is checked, and item 2 is completed.

PART C: DETAILED APPLICATION REQUIREMENTS (RESPOND TO RELEVANT SECTIONS)

1. ELIGIBLE FACILITIES REQUESTS: *For an application asserted to be an eligible facilities request*, the application must provide the following information:

- a) Identify the existing facility that will be modified; the existing WF that is installed on that facility; and provide a complete copy of the documents authorizing placement of the existing facility that is to be modified, including the original and any modifications to the authorizations. In order to identify a facility, you must provide its GPS coordinates; the cross-streets and relative location of the facility in connection to the cross-streets; and the pole number or identifier, if any.
- b) A description of all changes made to the existing facility that is to be modified (whether or not approved) including a description of the changes in height from January 22, 2012.
- c) Provide proof that applicant is authorized to modify the existing facility, and provide any lease for use of the existing facility. Such submissions need not disclose financial terms.
- d) If not clearly shown as part of the lease, or other authorization for the existing facility, identify and provide proof of the boundaries defining the site where the existing facility is placed.
- e) Will the existing supporting structure be replaced as part of the work proposed?
☐ Yes
☐ No
- f) Provide a detailed description of the existing wireless facility, including the physical dimensions of all each element of the existing facility; and describe all the modifications that will be made to the wireless facility, including but not limited to the modifications that will be made to the existing support structure (increases in height, additional guying or other strengthening), and identify the dimensions and all elements of the wireless facility after work proposed is completed.
- g) In addition to Item g, identify what equipment, if any, will be added to the existing facility, and what will be removed, and the locations of equipment after work proposed is completed.
- h) In addition to item g, identify what ground cabinets, if any, will be added. If none, say so.

FOR CITY USE

☐ Complete
☐ Incomplete
 NOTES

☐ Complete
☐ Incomplete
 NOTES

☐ Complete
☐ Incomplete
 NOTES

☐ Complete
☐ Incomplete
 NOTES

☐ Complete
☐ Incomplete
 Note: if yes is checked, this is not an eligible facilities request and the EFR should be denied in writing.

☐ Complete
☐ Incomplete
 NOTES

☐ Complete
☐ Incomplete
 NOTES

☐ Complete
☐ Incomplete
 NOTES

- i) In addition to item g, identify what excavation or ground disturbance will be required, if any, and clearly identify where the excavation will occur. If the work will affect any other structure, or vegetation, that effect must be clearly identified. If no excavation or ground disturbance, say so.
- j) Provide photographs showing the site proposed before the proposed installation, and photographic mock-ups and scale drawings showing the site after installation (multiple photographs should be submitted as required to show the all Facilities that will be visible at the site from all angles).
- k) Provide site plans detailing proposed improvements¹
Drawings must depict improvements related to the applicable requirements including property boundaries, setbacks, topography, elevation sketch, and dimensions and other elements of proposed.
- l) Provide a report signed by a qualified Maryland licensed professional engineer:
 - (1) Certifying that the structure to which the WF is to be attached will be able to support the WF as proposed; and
 - (2) Specifying any specific steps that should be taken to either ensure that the WF and its supporting structure are in compliance with applicable codes (e.g, additional foundational work required, requirements for placement of equipment); and
 - (3) Providing a list of the safety standards examined, along with a description of the methodology and assumptions used making the certification.

FOR CITY USE

☐ Complete
☐ Incomplete
 NOTES

☐ Complete
☐ Incomplete
 NOTES

☐ Complete
☐ Incomplete
 NOTES

☐ Complete
☐ Incomplete
 NOTES

¹ Site plans should be at a scale of 1"=20' or larger so that all information is legible, and should include a series of sheets before and after showing:

- (1) Overhead view of the existing and proposed WF location of lot lines, streets (with street names), easements, and all structures and improvements, including accessory equipment, underground utilities and support structures, existing and proposed and identifying all pertinent elements of the site, including slopes, contours, and trees. Detail should be provided to show relation of existing and proposed WF to easements, streets sidewalks, ramps and signage so that City may determine whether structure will interfere with other uses, or present hazards.
- (2) Elevation drawing of the existing and proposed facility with dimensions and locations of all elements of the WF shown, and identifying all pertinent elements of the site, including slopes, contours, and trees. Detail should be provided to show relation of existing and proposed WF to streets sidewalks, ramps and signage. Detail should be provided to show relation of existing and proposed WF to streets sidewalks, ramps and signage so that City may determine whether structure will interfere with other uses, or present hazards.
- (3) Diagrams of all equipment that will be installed as part of the project, including make, model, weight and physical dimensions, and any equipment that will be removed.
- (4) If landscaping is involved, separate sheets showing landscaping before and after and providing details as to what sort of vegetation/barriers will be installed, removed or replaced, and showing land contours.
- (5) Title block with applicant's name, owner's name, and contact information; and for overhead and elevations, scales and compass markings.

- m) Describe the concealment elements, if any, associated with the facilities as they will be modified, including but not limited to painting, and shielding as modified. The showing should be sufficient to demonstrate that the modifications will not defeat any existing concealment elements. If in an historic district please show compliance with requirements for that district. If there will be no concealment elements, so state.
- n) Identify all the conditions that were placed upon the base station or tower which is to be modified, or to which it was subject under the City Code, and for each condition, demonstrate that the facility is in compliance with the conditions, and that the conditions will continue to be satisfied after modification. For example, applicant should submit studies as required to demonstrate that the modified facility will comply with applicable noise limits. For any condition where the WF is not now, or after modification will no longer be in compliance, provide a clear description of the variation from the underlying conditions, explain any steps proposed for compliance, and explain why applicant believes the facility is nonetheless an eligible facility. ☐ Check if included - see Exhibit ____
- o) Applicant certifies that, before commencing, during performance of and upon completion of, the work proposed, the permitted wireless facility will comply with all applicable laws, regulation, practices or other requirements under federal, state or local law, including but not limited to, building and electrical codes, and all required permits, authorizations will be received, and reviews completed.
- ☐ Yes
☐ No

☐ Complete
☐ Incomplete
NOTES

☐ Complete
☐ Incomplete
NOTES

☐ Complete
☐ Incomplete
Note: if answer is "No"
application will be
subject to denial

2. ALL OTHER APPLICATIONS: *For all other types of applications*, the following must be provided:

- a) If you are proposing to install a WF on an existing support structure, or to replace an existing structure:
- (1) State if the application is for a replacement facility or a supporting structure at a location where there is not an existing support structure.
 - (2) Identify the existing facility that will be utilized/replaced. In order to identify a facility, you must provide its GPS coordinates; the cross-streets and relative location of the facility in connection to the cross-streets; and the pole number or identifier, if any. For replacement structures, you must clearly identify where the replacement pole will be placed in relation to the existing pole.
 - (3) Identify the zoning classifications that apply on either side of the ROW where the WF will be installed, and any other special district that may overlay the zones.

FOR CITY USE

☐ Complete
☐ Incomplete
NOTES

☐ Complete
☐ Incomplete
NOTES

☐ Complete
☐ Incomplete
NOTES

- (4) If an existing structure will be replaced, provide a detailed description of the differences in the physical dimensions between the existing and replacement structure (including both visible and below-ground elements), and explain why any differences in any physical dimension are required.
- (5) If an existing structure will be utilized, provide measurements showing the dimensions of the existing support structure prior to and after the proposed work.
- (6) If an existing structure will be utilized, provide measurements showing the dimensions of the existing/replacement supporting structure after installation of the WF.
- (7) Provide measurements showing the dimensions and location of all elements of the proposed WF, other than the dimensions provided in response to question (a)(4)-(6); and the dimensions and locations of any WF that will be on or at the same location as the support structure after the proposed construction is completed. If no other facility, say so.
- (8) Unless the structure is a replacement structure, a description of all changes made to the support structure that is to be used for the attachment, and all work that will be required to install the proposed WF (excavation, strengthening, addition of guy wires and so on).
- (9) For replacement structures, provide a plan and timetable for removal of the existing structure.
- (10) A copy of all approvals and/or permits for the existing facility that is to be used, or replaced.
- (11) A showing that the replacement or existing structure and WF associated with the same, will be in compliance with existing conditions, whether or not it is in compliance with conditions as of the date of application. There must be a plan submitted for correction of any non-compliant condition.
- (12) If you have indicated that the WF proposed qualifies for treatment as an small wireless facility attachment to an existing support structure under FCC rules, identify the facts you rely upon for that contention.
- b) For WFs that involve placement of a new supporting structure,
- (1) Identify the location of the proposed facility. In order to identify a facility, you must provide its GPS coordinates; the cross-streets and relative location of the facility in connection to the cross-streets.

FOR CITY USE

☐ Complete

☐ Incomplete

Note that if there is a response to 4, 5-6 will be skipped

☐ Complete

☐ Incomplete

NOTES

☐ Complete

☐ Incomplete

NOTES

☐ Complete

☐ Incomplete

NOTES

☐ Complete

☐ Incomplete

NOTES

☐ Complete

☐ Incomplete

NOTES

☐ Complete

☐ Incomplete

NOTES

☐ Complete

☐ Incomplete

NOTES

☐ Complete

☐ Incomplete

NOTES

☐ Complete

☐ Incomplete

Note no answer required to b unless it is for a new supporting structure

- (2) Identify the zoning classifications that apply on either side of the ROW where the WF will be installed, and any other special district that may overlay the zones.
- (3) Provide measurements showing the dimensions and location of all elements of the proposed WF, including the supporting structure. This should include both the visible and underground elements of the proposed supporting structure (e.g., the size and depth of any required foundation).
- (4) Are there aboveground utility poles within 1000 feet on the same side of the street where you proposed to place a new structure?
☐ Yes
☐ No
 If yes, describe the height and diameter of those poles, and identify the distance to the poles within 1000 feet
- (5) Are there aboveground utility poles within 1000 feet on the opposite side of the street where you propose to place a new structure?
☐ Yes
☐ No
 If yes, describe the height and diameter of those poles, and identify the distance to the poles within 1000 feet.
- (6) Are there any above-ground structures vertical structures which can support a WF within 1000 feet of the proposed structure?
☐ Yes
☐ No
 If yes, describe those structures, and identify the distance to them from the proposed site.
- (7) Explain why you are not using the facilities identified in items (b)(4)-(6) for placement of the proposed WF. The response should include detail that will permit the City to determine whether installation of a new structure is permitted.
- (8) If you believe that the WF proposed qualifies for treatment as an small wireless facility attachment to an new support structure under FCC rules, please explain the basis for that contention.
- c) To the extent not provided in response to subsections (a) or (b), provide a detailed description of the proposed WF, including the physical dimensions of all each element of the existing facility; and describe all the modifications that will be made to any existing WF, including but not limited to the modifications that will be made to the existing support structure (increases in height,

FOR CITY USE

☐ Complete
☐ Incomplete
 NOTES

☐ Complete
☐ Incomplete

☐ Complete
☐ Incomplete
 NOTES

☐ Complete
☐ Incomplete
 NOTES

☐ Complete
☐ Incomplete
 NOTES

☐ Complete
☐ Incomplete
 NOTES

☐ Complete
☐ Incomplete
 NOTES

☐ Complete
☐ Incomplete
 NOTES

additional guying or other strengthening), and identify the dimensions and all elements of the wireless facility after work proposed is completed. If already provided, you may cross-reference the relevant portion of your answer.

- d) In addition to Item c, identify what equipment, will be installed as part of the WF, and what will be removed (if anything), and the locations of equipment after work proposed is completed.
- e) In addition to item c, identify what ground cabinets, if any, will be added. State whether there are ground cabinets in the right of way within 1000 feet of the proposed installation, and identify their sizes. If none, say so.
- f) In addition to item c, identify what excavation or ground disturbance will be required, if any, and clearly identify where the excavation or ground disturbance will occur. If the work will affect any other structure, or vegetation, that effect must be clearly identified. If none, say so.
- g) In addition to item c, a description of the site and any deployment outside the site necessary to complete the proposed project.
- h) Provide photographs showing the site proposed before the proposed installation, and photographic mock-ups showing the site after installation (multiple photographs should be submitted as required to show the all Facilities that will be visible at the site), and to provide a clear indication of the impact on adjoining properties and the corridor in which the WF will be placed. The photosimulations should include any landscaping that will be performed in connection with the project.
- i) Provide site plans detailing the proposed WF consistent with the requirements of n.1, above.
- j) Provide a report signed by a qualified Maryland licensed professional engineer:
 - (1) Certifying that the structure to which the WF is to be attached will be able to support the WF as proposed; and
 - (2) Specifying any specific steps that should be taken to either ensure that the WF and its supporting structure are in compliance with applicable codes (e.g, foundational work required, requirements for placement of equipment); and
 - (3) Providing a list of the safety standards examined, along with a description of the methodology and assumptions used making the certification.
- k) A written description of the concealment measures applicant proposes to use to aesthetically blend the facility to the immediate surroundings and to minimize its visual impact. This should include, but not be limited to, a description of proposed concealment techniques, sizing and placement of elements of

FOR CITY USE

☐ Complete
☐ Incomplete
 NOTES

☐ Complete
☐ Incomplete
 NOTES

☐ Complete
☐ Incomplete
 NOTES

☐ Complete
☐ Incomplete
 NOTES

☐ Complete
☐ Incomplete
 NOTES

☐ Complete
☐ Incomplete
 NOTES

☐ Complete
☐ Incomplete
 NOTES

☐ Complete
☐ Incomplete
 NOTES

the WF (including undergrounding proposed), measures proposed to limit visibility of the WF from residential dwelling units, and the textures and colors to be used in the concealment process. If none, say so.

- l) If the proposed facility is in an historic district, provide the information required by Section 5A-5 of the City Code.
- m) If any landscaped ground will be disturbed, or landscaping is proposed as a concealment element, provide a landscape plan for the site, at a scale of 1/8"=1' or larger and including the following. If no landscaping is proposed, say so:
 - (1) Existing trees with trunk diameter over six inches (6") at four feet (4') above grade and/or fifteen feet (15') in overall height within fifty feet (50') of the proposed WF;
 - (2) Species, diameter and condition of all such trees;
 - (3) Final disposition of all existing trees; and
 - (4) Species, location and sizes of trees and other vegetation proposed to be installed in conjunction with the wireless communication facility.
- n) Demonstrate compliance with the City's noise ordinance by providing, among other relevant information, a description of the facilities and/or equipment within the applicant's project that are expected to induce or generate noise, as well as anticipated noise levels of said facilities and/or equipment at maximum output. For facilities that generate noise, please provide testing data for noise in accordance with the City Code.
- o) Justification for WF
 - (1) Review the standards set forth in the City Code, and for each standard in subsection 5A-5(c)-(f) explain why you believe the proposed facility satisfies the standard. If you do not believe it satisfies a standard, so state. You may cross-reference prior answers.
 - (2) Show the search area for placement of the WF proposed, and explain why the particular location was chosen. If the search area is driven by the characteristics for particular frequency bands, identify those bands.
 - (3) Provide a written assessment of not less than two (2) alternative locations considered by the applicant and the reasons why said alternative locations were rejected as candidates.
 - (4) Provide a map of all existing WFs used by the wireless service provider who will be utilizing the proposed WF that serve any portion of City, applicant which are located within the City, and show the coverage those facilities provide within the City by frequency band.

FOR CITY USE

☐ Complete
☐ Incomplete
 NOTES

☐ Complete
☐ Incomplete
 NOTES

☐ Complete
☐ Incomplete

☐ Complete
☐ Incomplete
 NOTES

☐ Complete
☐ Incomplete
 NOTES

☐ Complete
☐ Incomplete
 NOTES

☐ Complete
☐ Incomplete
 NOTES

- (5) Provide a written report setting forth how and why the proposed WF will improve personal wireless services being provided by the wireless service provider. The answer may identify as an "improvement" any personal wireless service that the wireless service provider does not now provide, which it has a planned timetable to provide. The report shall identify areas where the wireless service provider has no coverage, a significant degradation in coverage, or "dead zones". The report shall include a capacity analysis, a propagation analysis, and/or a decibel level report to indicate the quality of service provided by the applicant both at present and after installation of the proposed wireless communication facility. In describing the improvements, applicant should identify the performance indicators that are used by the wireless provider to determine the adequacy of its services (whether for existing or planned personal wireless services), and show the projected improvement in those indicators if the proposed WF were approved. *Please do not include performance indicators for services that are not personal wireless services.*
- (6) Please describe any smaller form factors that applicant or the wireless provider has used in rights of way in the last 24 months, or that it is planning to use to provide service for facilities that include one, two and three frequency bands. Explain why a smaller form factor is not proposed here. The explanation should include strand-mounted facilities.
- (7) If applicant or wireless provider has undergrounded any portion of the WF in other communities in the last 24 months, or is planning to underground in another community, please explain why it is not proposing similar undergrounding here.
- p) Applicant certifies that, before commencing, during performance of and upon completion of, the work proposed, the permitted wireless facility will comply with all applicable laws, regulation, practices or other requirements under federal, state or local law, including but not limited to, building and electrical codes, and all required permits, authorizations will be received, and reviews completed.
- ☐ Yes
- ☐ No

FOR CITY USE

☐ Complete
☐ Incomplete
 NOTES

☐ Complete
☐ Incomplete
 NOTES

☐ Complete
☐ Incomplete
 NOTES

☐ Complete
☐ Incomplete
 Note: a "no" may make the application subject to denial.

3. RENEWAL OF PERMIT

If applicant proposed to renew a permit, it may provide the information required by this section if no modifications are proposed to the facility that is the subject of the permit.

- a) Identify the permit that is to be renewed.
- b) Provide a copy of approvals related to the WF, including approved modifications.
- c) Provide photographs of the WF in place. Provide photos from multiple angles, so that all elements of the WF are shown.
- d) Provide drawings of the WF, and identify all equipment (whether part of the WF or not) located on the support structure on which the WF is located. The drawings should show dimensions of all elements of the WF, and without limitation include the dimensions of the supporting structure.
- e) Demonstrate that there is a continuing need for the facility, and that its visual impact may not be reduced by providing the information required under subsection 2(n).

4. CLAIM CITY IS REQUIRED TO ISSUE PERMIT

- a) If it is contended that the City is required by federal or state law to approve a proposed WF, other than an EFR, applicant must submit the information it relies upon to support that claim, identifying: (i) the legal standard it claims applies; (ii) the showings it relies upon for its claim; (iii) alternative legal standards that may apply that it claims to meet; and (iv) the showings it relies upon for those claims. Applicants are cautioned that, should they choose not to submit with respect to items (iii) and (iv), and the City believes that applicant misapplies or relies on the wrong legal standard, the waiver (and consequently the application) may be denied. In addition, the showing should be sufficient to show that the placement and size of each element of the WF must be approved by City. For example, if applicant proposed a ground cabinet where one would not otherwise be permitted, but only shows that some type of WF is required at the site proposed, the placement of ground cabinet may be denied.
- b) Any permit issued pursuant to this section will be subject to a contingency that, if any federal legal standard pursuant to which an application was granted changes or is invalidated, the permit will be terminate unless applicant shows that the proposed facility must be approved under applicable law.

FOR CITY USE

☐ Complete
☐ Incomplete
NOTES

☐ Complete
☐ Incomplete
NOTES

☐ Complete
☐ Incomplete
NOTES

☐ Complete
☐ Incomplete
NOTES

☐ Complete
☐ Incomplete
NOTES

☐ Complete
☐ Incomplete
NOTES

PART D: CERTIFICATION (ALL APPLICANTS)

I (we) hereby certify under penalty of perjury that (1) after diligent investigation, the information provided pursuant to this Application Form is true, accurate, and complete to the best of my (our) knowledge and belief; and (2) upon completion of the work proposed, the permitted personal wireless services facility will comply with all applicable laws, regulation, practices or other requirements under federal, state, or local law, including, but not limited to, building and electrical codes, the FCC's radio frequency emissions standards, and the requirements of the Americans with Disabilities Act.

Applicant's Signature

Date

Applicant's Printed Name

[end of document]