



# CITY OF GRAPEVINE

## SPECIAL USE APPLICATION/SITE PLAN APPLICATION WIRELESS FACILITY SITING

### APPLICATION REVIEW REQUIREMENTS

- *Meet with development services staff to review application requirements for your specific development.*
- *Form "A" application with original / notarized signatures of owner and applicant.*
- *Form "B" application with original / notarized signatures of owner and applicant.*
- *Filing fee - \$500.00 for first acre +\$25.00 for each additional acre or portion thereof (round up).*
- *Address and / or legal description (lot, block & subdivision) of property on 8 1/2" x 11".*
- *Signature of both owner and applicant on acknowledgement form (page 8).*
- *Verification with the City of Grapevine's Public Works / Engineering Department regarding platting information. Have the attached verification statement signed by public works (page 9).*
- ***Four (4) 24" x 36" blackline prints of complete site plan submittal individually folded by the applicant to 9" x 12" (include grading, drainage, elevations, landscape, etc.) Scale of no less than 1" = 50'.***
- ***Three (3) 24" x 36" copies of the site plan only individually folded by the applicant to 9" x 12"***
- *Submit a letter describing the proposed special use and note the request on the site plan document, describe or show on the site plan, and special requirements or conditions imposed upon the particular special use by applicable district regulations (example: buffer yards, distance between users), describe whether the proposed special use will, or will not cause substantial harm to the value, use, or enjoyment of other property in the neighborhood. Also, describe how the proposed special use will add to the value, use or enjoyment of other property in the neighborhood.*

APPLICATIONS MUST BE COMPLETE AND MEET ALL  
GRAPEVINE ORDINANCE REQUIREMENTS BEFORE A SPECIAL USE  
REQUEST CAN BE SET FOR A PUBLIC HEARING

*Direct questions to Planning & Zoning Staff at (817)410-3155 – fax (817)410-3018*  
[www.grapevintexas.gov](http://www.grapevintexas.gov)

#### **Delivery Address**

*Development Services  
Planning Division  
200 S. Main St  
Grapevine, TX 76051*

#### **Correspondence Address**

*Development Services  
Planning Division  
P O Box 95104  
Grapevine, TX 76099*



# CITY OF GRAPEVINE

## SPECIAL USE APPLICATION

### WIRELESS FACILITY SITING

### Form "A"

#### **PART 1. APPLICANT INFORMATION**

Name of applicant / agent/company/contact

Street address of applicant / agent:

City / State / Zip Code of applicant / agent:

Telephone number of applicant / agent:

Fax number of applicant / agent:

Email address of applicant / agent

Mobile phone number of applicant / agent

Applicant's interest in subject property:

#### **PART 2. PROPERTY INFORMATION**

Street address of subject property

Legal description of subject property (metes & bounds must be described on 8 1/2" x 11" sheet)

Lot                      Block                      Addition

Size of subject property

Acres

Square footage

Present zoning classification:

Proposed use of the property:

Minimum / maximum district size for special use request:

Zoning ordinance provision requiring a special use:

#### **PART 3. PROPERTY OWNER INFORMATION**

Name of current property owner:

Street address of property owner:

City / State / Zip Code of property owner:

Telephone number of property owner:

Fax number of property owner:







**ACKNOWLEDGEMENT**

***All Conditional Use and Special Use Applications are assumed to be complete when filed and will be placed on the agenda for public hearing at the discretion of the staff. Based on the size of the agenda, your application may be scheduled to a later date.***

***All public hearings will be opened and testimony given by applicants and interested citizenry. Public hearings may be continued to the next public hearing. Public hearings will not be tabled.***

***Any changes to a site plan (no matter how minor or major) approved with a conditional use or a special use permit can only be approved by city council through the public hearing process.***

***Any application for a change in zoning or for an amendment to the zoning ordinance shall have, from the date of submittal, a period of four months to request and be scheduled on an agenda before the Planning and Zoning Commission and City Council. If after said period of four months an application has not been scheduled before the Commission and Council said application shall be considered withdrawn, with forfeiture of all filing fees. The application, along with the required filing fee may be resubmitted any time thereafter for reconsideration. Delays in scheduling applications before the Planning and Zoning Commission and City Council created by city staff shall not be considered a part of the four month period.***

***I have read and understand all of the requirements as set forth by the application for conditional use or special use permit and acknowledge that all requirements of this application have been met at the time of submittal.***

***Signature of Applicant*** \_\_\_\_\_

***Date:*** \_\_\_\_\_

***Signature of Owner*** \_\_\_\_\_

***Date:*** \_\_\_\_\_

**ILLUMINATION PLAN**

***An illumination plan to include a site photometric (including illuminated signs) and all fixture details shall be submitted as part of the site plan review process. Applications will not be accepted without this requirement.***

***I hereby acknowledge that an illumination plan has been included as a part of this submittal.***

***Applicant Signature*** \_\_\_\_\_

***Date:*** \_\_\_\_\_

***Property Owner Signature*** \_\_\_\_\_

***Date:*** \_\_\_\_\_

## PLATTING VERIFICATION

This verification statement must be signed prior  
To the submittal of this special use application

\_\_\_\_\_ It has been determined that the property described below does **require platting or replatting** and the applicant has been instructed on this procedure.

\_\_\_\_\_ It has been determined that the property described below is **currently platted or does not require platting or replatting** at this time.

Address of subject property \_\_\_\_\_

Legal description of subject property \_\_\_\_\_

\_\_\_\_\_  
Public Works Department

\_\_\_\_\_  
Date

**This form must be signed by the public works department and submitted along with a completed application to the planning and zoning department**

SECTION 47  
SITE PLAN APPLICATION

Use the following as a checklist for a complete application submittal:

E. Contents of site plan application, Section 47.E.1.

Form "A" – Special Use Application

- \_\_\_\_\_ 1. Applicant's name, address and telephone number, legal interest in the subject property.
- \_\_\_\_\_ 2. Owner's name, address and telephone number, if different from applicant, with the owner's signed consent to the filing of the application.
- \_\_\_\_\_ 3. Street address and legal description, or metes and bounds, of the property on 8 ½" x 11" sheet of paper.
- \_\_\_\_\_ 4. The zoning classification and present use of subject property.
- \_\_\_\_\_ 5. A letter or note on the site plan generally describing the proposed use, or uses, for the proposed development.
- \_\_\_\_\_ 6. A copy of the final plat, or replat, of approved subdivision by city council showing property boundary lines, dimensions, easements, roadways, rail lines, and public rights-of-way crossing adjacent to the subject property.
- \_\_\_\_\_ 7. If the property is subject to a master development plan, note in a letter the proposed use substantially conforms to the master development plan.

Form "B" - Site Plan Requirements

- \_\_\_\_\_ 1. All site plans submitted in conjunction with a Conditional Use, Section 48; or a Special Use, Section 49; shall be drawn and sealed by a registered surveyor, registered architect, or registered engineer.
- \_\_\_\_\_ 2. The site plan shall include the name of the site plan, submittal date, case number (s), scale, north point (north shall be at the top of the page on all drawings), name of person preparing the site plan, consecutive sheet numbers and vicinity map. The case name, number and consecutive sheet numbers (ex. sheet 1 of 2) should be placed in the lower right corner.
- \_\_\_\_\_ 3. Location of existing boundary lines and dimensions of the tract. These must match the survey or the approved plat.
- \_\_\_\_\_ 4. Any proposed grading, or regrading, of the subject property; any significant natural, topographical, or physical features of the property, including, at least, existing soil

conditions, water courses, marshes, trees in excess of four (4) inches in diameter, rock outcroppings and existing contours in excess of two (2) feet in one hundred (100) feet.

- \_\_\_\_\_ 5. Locate center line of existing water courses, drainage features, floodway and drainage easements.
- \_\_\_\_\_ 6. Map (s) showing the location, dimension, use and arrangement of all proposed building. Note computations in a chart form showing the amount required and provided: height in stories and feet, total building area, total lot area, floor area ratio, total impervious area, total open space (landscaped area), total building and paved areas, number and size of dwelling units, number of bedrooms in residential uses, and building separations.
- \_\_\_\_\_ 7. Minimum yard and buffer dimensions, and where relevant, relation of yard dimensions to the height of any building or structure.
- \_\_\_\_\_ 8. Location, dimensions and number of all vehicular and pedestrian circulation elements, including streets, roadways, driveways, entrances, curb radii, curb cuts, driving lanes, parking stalls, loading spaces and access aisles; sidewalks, walkways and pathways, including type of surface material, slope and gradient of vehicular elements; total lot coverage of all circulation elements, divided between vehicular and pedestrian ways.
- \_\_\_\_\_ 9. Location and size of existing and proposed street, right-of-way, and alleys with location of all street medians and intersections adjacent to the area of request.
- \_\_\_\_\_ 10. Copy of permit to construct access driveway facilities on highway right-of-way issued by the Texas State Department of Highways and Public Transportation.
- \_\_\_\_\_ 11. Note location and size of existing and proposed water and sewer public utilities on and adjacent to, the site; and fire hydrant locations.
- \_\_\_\_\_ 12. All existing and proposed surface, and subsurface, drainage facilities; including culverts, drains, and detention ponds, showing size and dimensions of flow.
- \_\_\_\_\_ 13. Location, size and arrangement of all outdoor signs (pole signs, wall signs, and ground signs); the location and intensity of all outdoor lighting, and exterior lighting.
- \_\_\_\_\_ 14. Location and height of fences, or screen plantings, and the type or kind of building materials or plantings to be used for fencing or screening.
- \_\_\_\_\_ 15. Final architectural elevations of proposed structures with the type or kind of building materials used. Note the calculation of the percentage of the masonry of the entire structure. Masonry calculations include the total exterior walls, excluding doors and windows.
- \_\_\_\_\_ 16. Note the location, designation and total area of all usable open space (landscaped areas).

- \_\_\_\_\_ 17. A detailed landscaping plan meeting the provisions of section 53 of this ordinance.
- \_\_\_\_\_ 18. Note all the requirements of the grapevine soil erosion control ordinance shall be met during the period of construction.
- \_\_\_\_\_ 19. In the case of any use requiring a special use permit, any information necessary to demonstrate compliance with all conditions imposed on the proposed special use permit by this ordinance.
- \_\_\_\_\_ 20. Any other information that may be required by the director of development services to determine that the application is in compliance with the codes and ordinances of the city.
- \_\_\_\_\_ 21. Parking for disabled persons should be designated according to Chapter 23, Section 23.64 through 23.69 of the Code of Ordinances.
- \_\_\_\_\_ 22. Designate all refuse storage areas according to section 50.b.3. **All users are required to show the location and screening of a dumpster whether it is used or not.**
- \_\_\_\_\_ 23. A letter from the public works department accepting all subdivision improvements (i.e. drainage, sewage, utilities and street improvements).
- \_\_\_\_\_ 24. If the site plan application is in conjunction with a conditional use for on-premise or off-premise consumption of alcoholic beverages, the following statements must appear on the site plan and floor plan.
- A. In the case of off-premise beer & wine sales
1. Special use request for the sale, storage and off-premise consumption of alcoholic beverages (beer and/or wine only).
  2. The entire site is the premise.
- B. In the case of on-premise beer, wine and mixed drink sales
1. Special use request for the sale, storage, and on-premise consumption of alcoholic beverages (beer, wine, and mixed beverages).
  2. The entire site is the premise
- \_\_\_\_\_ 25. Note in the case of on-premise and off-premise alcoholic beverage sales indicate on the floor plan the storage and sale areas.
- \_\_\_\_\_ 26. The description and requirements to be noted in a letter should be combined into one letter.

- \_\_\_\_\_ 27. Include an internal traffic circulation plan on the site plan.
- \_\_\_\_\_ 28. Note that all on-site electrical conductors associated with new construction shall be located underground.
- \_\_\_\_\_ 29. Illumination plan including site photometric (including illuminated signs) and all fixture details. Place a note on plans:  
  
"Illuminated signage was included in the termination of the illumination levels"
- \_\_\_\_\_ 30. After comments are received - final documents shall contain an 11x17 color renderings of the landscape plan and elevations for presentation purposes only. A powerpoint presentation may be submitted, please make sure all drawings are compressed prior to providing to the City of Grapevine.
- \_\_\_\_\_ 31. All turning radii - 35 feet minimum per Grapevine Fire Department
- \_\_\_\_\_ 32. North shall face up on all pages

**Please be aware that separate documents must be filed with Engineering (817)410-3135 and Building Inspections (817)410-3165 prior to receiving a building permit.**

CASE NAME:  
CASE NUMBER:  
LOCATION:

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MAYOR                      SECRETARY

DATE: \_\_\_\_\_

PLANNING AND ZONING COMMISSION

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CHAIRMAN

DATE: \_\_\_\_\_

SHEET: \_\_\_\_ OF \_\_\_\_

APPROVAL DOES NOT AUTHORIZE ANY WORK  
IN CONFLICT WITH ANY CODES OR  
ORDINANCES.

DEPARTMENT OF DEVELOPMENT SERVICES

MINIMUM SIZE 3" X 4"

THIS SIGNATURE BLOCK MUST APPEAR ON EACH PAGE OF THE SUBMITTAL AND FINAL REVISIONS.

NUMBER EACH SHEET AS PER EXAMPLE BELOW:  
SHEET 1 OF 4; SHEET 2 OF 4; SHEET 3 OF 4; SHEET 4 OF 4, ETC.

City of Grapevine

**REQUIRED TREE LIST FOR REQUIRED LANDSCAPING**  
**(Excluding Landscape Islands)**

**(Medium to Large Deciduous Trees)**

<b><u>Tree Name</u></b>	<b><u>Scientific Name</u></b>	<b><u>Height</u></b>	<b><u>Width</u></b>
Bald Cypress	(Taxodium distichum)	40'-60'	30'-40'
Burr Oak	(Quercus macrocarpa)	50'-60'	40'-50'
Callery Pear	(Pyrus calleryana) (*Varieties: "Rancho", "Aristocrat", "Capital", "Bradford")	30'	15'-25'
Cedar Elm	(Ulmus rassifolia)	50'-60'	40'-50'
Chinese Pistacho	(Pistacia chinensis)	40'-50'	40'-50'
Chinquapin Oak	(Quercus muhlenbergii)	50'-60'	40'-50'
Pecan	(Carya illinoensis)	50'-60'	40'-50'
Shumard Red Oak	(Quercus shumardii)	50'-60'	40'-50'
Texas Red Oak	(Quercus shumardii)	30'-35'	20'-30'
Western Soapberry	(Sapindus drummondii)	30'-40'	25'-35'
Southern Magnolia	(Magnolia grandiflora)	60'-80'	30'-50'
Lacey Oak	(Quercus glancoides)		
<i>EVERGREEN TREES</i>			
Afghan Pine	(Pinus eldarica)	30'-40'	25'-30'
Austrian Pine	(Pinus nigra)	20'-25'	10'-15'
Eastern Red Cedar	(Juniperus virginiana)	30'-40'	20'-30'
Eldarica Pine	(Pinus eldarica)	30'-40'	25'-30'
Japanese Black Pine	(Pinus thunbergiana)	20'-50'	20'-30'

Leyland Cypress	(Cupressocyparis leylandi)	20'-40'	40'-50'
Live Oak	(Quercus virginiana)	25'-35'	35'-55'
Yaupon Holly	(Ilex vomitoria)	12'-18'	10'-15'

**(Small Deciduous Trees)**

Desert Willow	(Chilopsis linearis)	15'-30'	15'-25'
Eve's Necklace	(Sophora affinis)	15'-25'	15'-20'
Mexican Plum	(Prunus mexicana)	15'-25'	15'-20'
Possumhaw holly	(Ilex decidua)	15'-20'	10'-15'
Redbud	(Cercis canadensis) "Oklahoma"	20'-25'	15'-20'

City of Grapevine

REQUIRED TREE LIST FOR LANDSCAPE ISLANDS

(Medium to Large Deciduous Trees)

<u>Tree Name</u>	<u>Scientific Name</u>	<u>Height</u>	<u>Width</u>
Bald Cypress	(Taxodium distichum)	40'-60'	30'-40'
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Austrian Pine	(Pinus nigra)	20'-25'	10'-15'
Eastern Red Cedar	(Juniperus virginiana)	30'-40'	20'-30'
Eldarica Pine	(Pinus eldarica)	30'-40'	25'-30'
Japanese Black Pine	(Pinus thunbergiana)	20'-50'	20'-30'

Leyland Cypress	( <i>Cupressocyparis leylandi</i> )	20'-40'	40'-50'
Live Oak	( <i>Quercus virginiana</i> )	25'-35'	35'-55'
Yaupon Holly	( <i>Ilex vomitoria</i> )	12'-18'	10'-15'

SPECIAL USE/SITE PLAN APPLICATION  
PROCEDURAL TIMETABLE

Application Deadline	Special Use/Site Plan Review Submittal
Day 1 – 14	Planning Staff Review
Day 15	Technical Review Committee
	Planning Department Public Works Building Inspections Fire Department Police Department Utility Companies
Day 23	Return Necessary Revisions To Planning Department Staff to include but not limited to 40-11x17's, 2-full size drawings, 1-set mylars
Day 25	Notice To Newspaper
Day 32	Notify Adjacent Property Owners; Post Sign On Property
Day 39	Packets Submitted For Distribution To City Council And Planning And Zoning Commission
Day 42	City Council And Planning And Zoning Commission Joint Public Hearing

Planning And Zoning Commission Recommendations To City Council  
Result In The Following Action

Approval -	Requires A Council Majority Vote
Denial -	Requires $\frac{3}{4}$ Vote Approval By Council
Continuing -	Set To A Date Certain; Further Research And Information Required

**TERMS USED IN THIS APPLICATION:**

**“Applicant”** –This is the person or entity that will actually utilize the Project, with the permit in the Applicant’s name.

**“Applicant’s Agent”** -- Applicant’s Agent is the agent for the Applicant in connection with this application and is authorized to sign and submit the application on the Applicant’s behalf.

**“FCC 2009 Declaratory Ruling”** --- Federal Communication Commission Order, *In the Matter of Petition for Declaratory Ruling to Clarify Provisions of Section 332(c) (7) (B)*, 24 FCC Rcd 13994 (2009).<sup>i</sup>

**“FCC 2014 Wireless Infrastructure Order”** -- Federal Communication Commission Order, *In the Matter of Acceleration of Broadband Deployment by Improving Wireless Facilities Siting Policies*, WT Docket No. 13-238, \_\_ FCC Rcd \_\_ (Adopted Oct. 17, 2014, Released Oct. 27, 2014) [For Effective dates see end note, but for Section 6409 (a) rules, no earlier than April 8, 2015]. Interpretation of Section § 6409(a) (47 U.S.C. § 1455(a)).<sup>ii</sup>

**“FCC Rules”** –FCC Rules, 47 C.F.R. § 1.40001 Wireless Facility Modifications, *et al.*

**“Property Owner”** -- Is the underlying owner of the property on which the Project is located.

**“Project”** -- For purposes of this application, the new site or modification/addition to an existing wireless facilities site will be termed the “Project”.

**“Section 322 (c) (7)”** –Federal law, 47 U.S.C. § 332 (c) (7).

**“Section 6409 (a)”** –Federal law, 47 U.S.C. § 1455(a) (Section 6409(a) of the Middle Class Tax Relief Act of 2013).

**SECTION 1.00: APPLICANT INFORMATION**

**1.01. Applicant Information:**

1.01.1: Full Legal Name of Applicant: Including full name of individuals, corporate name, LLC, LLP, as applicable.):

1.01.2: Principal Applicant Contact Name:

Title:  
Firm Name (If applicable):  
Address:  
City: State: Zip:  
Tel: Ext:  
Work Fax:  
(Optional) Mobile Tel:  
Email Address:  
(Optional) Website:

1.01.3: If applicable, Applicant’s Agent Name: \_\_\_\_\_

Title:  
Firm Name:  
Address:  
City: State: Zip:  
Tel: Ext:  
Work Fax:  
(Optional) Mobile Tel:  
Email Address:  
(Optional) Website:

## **1.02: Underlying Property Owner Information.**

1.02.1: If the underlying owner of the property on which the Project is located (“Property Owner”) is not the same as the Applicant, please include information on the Property Owner’s name, company or firm, title, address, email and telephone number.

1.02.2: If the underlying Property Owner is not the same as the Applicant and does not sign the application acknowledging its consent to file the Application for the Project, please attach a letter of agency appointing the Applicant, or the Applicant’s representative or Applicant’s Agent, as applicable, as the agent for the Property Owner in connection with this Application and as being fully authorized to sign the Application on the Property Owner’s behalf acknowledging the Property Owner’s consent to file the Application for the Project.

Designate this as “Exhibit 1.02.2, Property Owner’s Letter of Agency”.

1.02.3: If the Project is located in the public right-of-way, describe in detail the governmental authority and/or statutory authority, or other legal authority that granted the Applicant the privilege to use the rights-of-way for a wireless facility.

Designate this as “Exhibit 1.02.3, Permission to use ROW for wireless facility”.

1.02.4: If the Project is located in the public right-of-way, and will be placed in infrastructure not owned or controlled by the Applicant, such as an existing wireless antenna support tower or utility pole, street light pole, or traffic signal pole, describe in detail the legal basis for the use of that infrastructure, providing copies of pole attachment or other agreements with the owner of the infrastructure.

Designate this as “Exhibit 1.02.4, Permission to use ROW infrastructure”.

## **1.03: Representations on submitting the Application:**

1.03.1: If the Applicant is an individual, they must sign their full name on the cover page to the Application, representing that: 1.) they have read and understand the Application and; 2.) to the best of their knowledge the answers and information submitted with the Application are true and correct.

1.03.2: If the Applicant is not an individual, an Applicant’s in-house representative must sign their full name on the cover page to the Application, representing that: 1.) they have the authority to act for the business entity of the Applicant; 2.) they have read and understand the Application; and 3.) to the best of their knowledge the answers and information submitted with the Application are true and correct.

1.03.3: If neither the Applicant nor the Applicant’s in-house representative signs the application form, please attach a letter of agency appointing the above named Applicant’s Agent as the agent for the Applicant in connection with this application and as being fully authorized to sign and submit the application on the Applicant’s behalf. The Applicant’s Agent must sign their full name on the cover page to the Application, representing that: 1.) they have the authority to act for the business entity of the Applicant; 2.) they have read and understand the Application; and 3.) to the best of their knowledge the answers and information submitted with the Application are true and correct.

Designate this as “Exhibit 1.03.3: Applicant’s Letter of Agency.”

**SECTION 2.00: TYPE OF WIRELESS FACILITIES APPLICATION FOR PURPOSES OF FEDERAL LAW: SECTION 332(C) (7) OR SECTION 6409 (A).**

The type of wireless facility Project determines the review time under federal law for the City to act in deciding to grant or deny a permit. The three possible City review periods, depending on type of project, are:

- 150 days is the default, but rebuttable presumptive time for the City to review and act on all new wireless facility sites and projects that do not qualify as either a Section 322 (c) (7) “collocation” on an existing tower or a Section 6409 (a) modification to an “eligible” existing tower or existing base station.
- 90 days is the default, but rebuttable presumptive time for the City to review and act on a Section 322 (c) (7) “collocation” on an existing tower, when supported by complete documentation submitted with the application.
- 60 days is the time allowed for the City to review and act on a Section 6409 (a) “eligible facilities request” for modification of an existing tower or existing base station, when supported by complete documentation submitted with the application.

Both a Section 322 (c) (7) “collocation” on an existing tower and a Section 6409 (a) modification to eligible an existing tower or existing base station have detailed restrictions to qualify. If the Applicant is asserting that the Project qualifies for either of those two types of projects, complete the below questions, and provide the requested information in full to avoid a delay in you application’s review for incompleteness.

The City review times start when the application is filed, but can be tolled (not counted) if the application is incomplete. Section 332 (c) (7) presumptive times are rebuttal by the City, and the City does not waive, but reserves its right to rebut those times as not reasonable under the circumstances.<sup>iii</sup> All of the City review times may be extended by the Applicant, with mutual, written agreement.<sup>iv</sup>

30 day review for completeness of the application for purposes of the City review period:

If the City determines the application is incomplete it will provide written notice to the Applicant within 30 days of filing of the application that the application is incomplete, detailing the missing information and citing where that information was required. The remaining time for the City to review the application does not start again until the supplemental information has been provided to the City in full.

For the maps and drawings required, the following standards apply in the City’s determination of completeness. The size of each submitted map, drawing, Project elevation renderings and/or photographs and photo simulations must be no smaller than 11” by 8.5.” Each must use the same streets names and legends.

**Please provide following information in complete detail:**

**2.01: Presumption that the Application is for a project that does not qualify as either a Section 322 (c) (7) “collocation” on an existing tower or a Section 6409 (a) “eligible facility” modification to an existing tower or base station:** The City will conclusively presume that the

Application's Project is neither a collocation project qualified under Section 322 (c) (7) nor is it an "eligible facility" request for modification under Section 6409 (a), unless the Applicant clearly asserts that it is, providing the below requested information in Section 2.02 or Section 2.03, as applicable, in full and in complete detail.

If the above presumption is correct, please check here \_\_\_\_\_, indicating yes, and go to Section 3.

If the above presumption is not correct, complete Section 2.02 or Section 2.03, as applicable.

**2.02: 47 U.S.C. § Section 332 (c) (7) collocation project:** If the Applicant asserts that this Project is eligible and fully qualifies as a 47 U.S.C. § 332 (c) (7) collocation project request as defined in *FCC 2009 Declaratory Ruling*,<sup>v</sup> attach a detailed written statement describing the reasons upon which the applicant believes that that the Project is eligible for 47 U.S.C. § 332 (c) (7) collocation treatment, to include at a minimum complete answers to the below questions in 2.02.1 below:

2.02.1: Detailed engineer sealed drawings of the measurements described below:

- (1) Detailed information on the existing tower where the collocation is to be placed, to include but not be limited to copies of the initial application and permit, and any subsequent modification applications and permits, even if denied.
- (2) Detailed information on the existing tower where the collocation is to be placed as to whether the mounting of the proposed antenna on the tower increases the existing height of the tower by more than 10%, or by the height of one additional antenna array with separation from the nearest existing antenna not to exceed twenty feet, whichever is greater? Explain in detail. Please provide detailed engineer sealed drawings of these measurements.
- (3) Detailed information on the existing tower where the collocation is to be placed as to whether the mounting of the proposed antenna involve adding an appurtenance to the body of the tower that would protrude from the edge of the tower more than twenty feet, or more than the width of the tower structure at the level of the appurtenance, whichever is greater? Explain in detail. Please provide detailed engineer sealed drawings of these measurements.
- (4) If the mounting of the proposed antenna exceeds the size limits set forth in (2) (height) and/or (3) (width/protrusions), is it asserted it was necessary to either avoid interference with existing antennas or to shelter the antenna from inclement weather or to connect the antenna to the tower via cable? Explain in detail. Please provide detailed engineer sealed drawings of supporting these asserted claims.
- (5) Detailed information on the existing tower where the collocation is to be placed as to whether the mounting of the proposed antenna involve the installation of more than the standard number of new equipment cabinets for the technology involved, not to exceed four, or more than one new equipment shelter? Explain in detail. Please provide detailed engineer sealed drawings of these measurements.
- (6) Detailed information on the existing tower where the collocation is to be placed as to whether the mounting of the proposed antenna involve excavation outside the current tower site, defined as the current boundaries of the leased or owned property surrounding the tower and any access or utility easements currently related to the site, including any physical, wireline, interconnections to other locations, noting existing wireline connections and new ones? Explain in detail. Please provide detailed engineer sealed drawings of these measurements.

- (7) Please include a detailed map depicting the sites' boundary of the property owned or leased for purposes of the tower Project, and the location of the tower Project within that boundary, and depicting the tower Project as it is at the time of the application, and after the requested collocation, in both an overhead format, and in elevations from each side. Please provide detailed engineer sealed drawings of this depiction.

Designate this attachment as "Exhibit 2.02.1, Section 332 (c) (7), Eligible Collocation Project".

Go to Section 3.

2.03: Section 6409 (a) eligible facilities request for modification: If the Applicant asserts that this Project is an eligible facility request for modification under Section 6409 (a) as it does not "substantially change the physical dimensions" of an existing tower or base station, as those terms are defined in *FCC 2014 Wireless Infrastructure Order* and FCC Rules, please attach a detailed written statement describing the basis of the assertion that Section 6409 (a) applies to this Project and why it meets the applicable requirements as set for in FCC Rules, 47 C.F.R. § 1.40001 Wireless Facility Modifications, *et al*, to include complete answers to the questions in 2.03.1 below:

2.03.1. Provide detailed information and detailed engineer sealed drawings of the measurements described to answer the questions below, at a minimum providing documentation or information to the extent reasonably related to the request for modification to allow the City to determine whether the request for modification meets the detailed requirements set for in FCC Rules, 47 C.F.R. § 1.40001 Wireless Facility Modifications, *et al*:

- (1) Is the Project an "eligible facility" as either a "tower" or a "base station" as defined in FCC Rules, 47 C.F.R. § 1.40001 (b) (1) and (9)? Explain in detail.
- (2) Provide detailed information on how the tower or base station to be modified as the Project meets the definition of "existing" in FCC Rules, 47 C.F.R. § 1.40001 (b) (5). Include with this explanation copies of the initial application and permit of the tower or base station, and any subsequent modification applications and permits, even if denied, and of any City required conditions placed on the initial or subsequent permits, such as, but not limited to, safety, setbacks, fencing, landscaping, and concealment or stealth requirements.
- (3) Provide detailed information and documents on the "site" of the tower or base station to be modified by the Project as "site" is defined in FCC Rules, 47 C.F.R. § 1.40001 (b) (6), to allow the City to determine the "site" for purposes of compliance with Section 6409 (a) eligibility. Please include a detailed map depicting the sites' boundary of the property owned or leased for purposes of the Project, and the location of the Project within that boundary, and depicting the tower or base station as it is at the time of the application, and after the requested modifications, in both an overhead format, and in elevations from each side.
- (4) If the Project is located in the public right-of-way, describe by providing maps and drawings to fully depict the area asserted to be in proximity to the structure and to other transmission equipment already deployed on the ground, to include the location of the tower or base station and transmission equipment already deployed on the ground within that proximity area, depicting the tower or base station as it is at the time of the application, and after the requested modification, in both an overhead format, and in elevations from each side. Include the basis of the assertion as to the area in proximity to the eligible structure.<sup>vi</sup> Explain in full detail to include maps and drawings to allow the City to determine the "site" for purposes of compliance with Section 6409 (a) eligibility.

- (5) Is the request to modify a “collocation”, as defined in FCC Rules, 47 C.F.R. § 1.40001 (b) (2), or a removal or replacement of “transmission equipment”, as defined in FCC Rules, 47 C.F.R. § 1.40001 (b) (8)? Explain in detail.
- (6) To the extent the modification Project includes replacement in the form of “hardening” of the tower or base station, please provide analysis by a licensed engineer as to why this hardening is necessary for an eligible Section 6409 (a) collocation, replacement, or removal of transmission equipment, and percentage of the structure that is being replaced.<sup>vii</sup>
- (7) Provide detailed information on how the requested modification of the tower or base station to be modified by the Project does not “substantially change the physical dimensions” of the existing tower or base station, as those terms are defined in FCC Rules, 47 C.F.R. § 1.40001 (b). Explain in detail, specifically, including detailed licensed engineer sealed drawings, on how the requested modification of the tower or base station Project is to be modified, to include:
- a. Increases in the height of the tower or base station to be modified;
  - b. Increases in the width and/or protrusions of appurtenances and/or transmission equipment from the tower or base station to be modified;
  - c. Increases in the transmission equipment/cabinets on the ground of the site of the tower or base station to be modified;
  - d. Detail on any excavations and deployment outside the current site including any physical, wireline, interconnections to other locations, noting existing wireline connections and new ones.
  - e. How the requested modification of the tower or base station does not defeat any previously required concealment (stealth) conditions from prior permits;
  - f. How the requested modification of the tower or base station complies with any other previously required City conditions from prior permits, other than those allowed by the “substantial change” thresholds identified in FCC Rules, 47 C.F.R. § 1.40001(b)(7)(i)-(iv).

What constitutes a “substantial change” are detailed in the definition in FCC Rules, 47 C.F.R. § 1.40001 (b) (8), including how each item listed above is measured (i.e., height, width, protrusions of appurtenances, number of cabinets). Please provide all documents and information to the extent reasonably related to the request for modification to allow the City to determine whether the request for modification meets the detailed requirements set for in FCC Rules, 47 C.F.R. § 1.40001 Wireless Facility Modifications, *et al.*

Designate this attachment as “Exhibit 2.03.1, Section 6409(a) Eligible facility request for modification that does not substantially *change* the physical dimensions of an existing tower or base station”

Go to Section 3.

**SECTION 3.00: GENERAL PROJECT INFORMATION**

3.01: Project Street or other Physical Address designation used to locate: \_\_\_\_\_

3.01.1: Project Description:

To the extent not answered in detail in Section 2 above, please provide answers to either 3.01.2 and 3.01.2 or 3.01.3 and 3.01.4, as applicable:

3.01.1 Detailed map depicting the boundary of the property owned or leased for purposes of the Project, and the location of the proposed Project within that boundary including street names, addresses of buildings or residences in at least 300 yards of proximity to that area including any physical, wireline, interconnections to other locations, noting existing wireline connections and new ones.

3.01.2 Detailed to scale drawings depicting the existing wireless facilities structure as it is at the time of the application, as applicable, and as the Project will be after the requested modification, in both an overhead format, and in elevations from each side including any physical, wireline, interconnections to other locations, noting existing wireline connections and new ones.

3.01.3 If the Project is located in the public right-of-way, describe the location by providing maps to depict the area with 200 feet of the Project, including street names, addresses of buildings or residences and the area asserted to be in proximity to the Project, to include the location of the Project structure within that area, including any physical, wireline, interconnections to other locations, noting existing wireline connections and new ones.

3.01.4 Detailed to scale drawings depicting the existing wireless facilities structure as it is at the time of the application, as applicable, and as the Project will be after completion, in both an overhead format, and in elevations from each side including any physical, wireline, interconnections to other locations, noting existing wireline connections and new ones.

Maps and drawings are to be prepared and sealed by a licensed Texas professions Engineer.

Designate the maps and drawings as "Exhibit 3.01.1, Project description, maps and drawings."

**3.02: Requested photo/elevation renderings to be submitted with the Application:** *(Not applicable for a fully qualified Section 6409 (a) eligible facility's request to modify.)*

**3.02.1: Project Elevation Renderings and/or Photographs and Photo Simulations.**

(1) To the extent not provided in other responses, where the Project as proposed by the Applicant can be seen at ground level from the street, or from the 1<sup>st</sup> floor within or on buildings within 500 feet of the Project provide four elevation renderings and/or photographs and/or photo simulations of the Project, including its tower, base station, antennas, antenna concealment/stealth coverings, equipment cabinets, back-up generations, and lights, as applicable.

(2) A map detail showing each location where that elevation renderings and/or photographs and/or photo simulations were taken, together with the Project site, and the direction to the site from each elevation renderings and/or photographs and/or photo simulations must be included.

The Applicant should submit elevation renderings and/or photographs and/or photo simulations as set out above, and may be requested by the City to provide additional elevation renderings and/or photographs and/or photo simulations to allow the City to visualize the Project as completed.

By their submittal with the application, Applicant represents that the elevation renderings and/or photographs and/or photo simulations are accurate and reliable representations of the current project site and the proposed Project to be constructed or modified, and that the Applicant is fully aware that the City will rely on all of the elevation renderings and/or photographs and/or photo simulations provided when it considers granting or denying the Application for this Project.

Designate as “Exhibit 3.02.1, Project elevation renderings and/or photographs and photo simulations.”

**SECTION 4.00: EXISTING ZONING REQUIREMENTS AND ANY VARIANCES/WAIVERS REQUESTED.**

4.01.1: Provide information on the existing zoning regulations or other City land use and/or safety code requirements at the Project site that may be applicable to the Project.

4.01.1: If the Project is not in full compliance with the existing zoning regulations or other City requirements or conditions of prior permits at the Project site provide detail as to how it is non-compliant, and if a variance and/or waiver is requested by the Applicant for each instance of non-compliance, and why the variance/waiver is requested, except for qualified Section 6409 (a) Applicants.

4.01.2: For qualified Section 6409 (a) Applicants, to the extent not answered above in Section 2.03.1 (7) f. above, provide details if the Project complies with any other previously required City conditions from prior permits, and/or existing zoning regulations or other City requirements at the Project site other than those allowed by the “substantial change” thresholds identified in FCC Rules, 47 C.F.R. § 1.40001(b)(7)(i)-(iv), and if not, and if a variance and/or waiver is requested by the Applicant for each instance on non-compliance, and why the variance/waiver is requested.

Designate this as “Exhibit 4.01, Existing zoning regulations or other City requirements at the Project site and requested variances/waivers.”

**SECTION 5.00: PROJECT USE AND PURPOSE** *(Not applicable for a fully qualified Section 6409 (a) eligible facility’s request to modify.)*

5.01: Principal Use of the Project: (One or more, as applicable)

If for private use, such as an amateur radio, describe generally in a written statement.

If for broadcast radio, broadcast TV, or satellite connectivity for data or cable television, describe generally in a written statement.

If for commercial public cellular telephone, to include, but not limited to a network for “*personal wireless services*” as defined in Section 322 (c) (7) (C), or a network for “commercial mobile service”, as defined in 47 U. S.C. § 332 (d), Enhanced Specialized Mobile Radio, Specialized Mobile Radio, Microwave, PCS telephone, Small Cell, or a Distributed Antenna System (DAS), describe generally in a written statement.

If for other uses, (e.g., Wi-Max or Wi-Fi), describe generally in a written statement.

5.02: If applicable, indicate whether the purpose of the Project is: (One or more, as applicable)

\_\_\_ Adding commercial cellular network without adding significant new radio frequency coverage area to a network for “*personal wireless services*”, as defined in Section 322 (c) (7) (C) and/or to a network for “commercial mobile service”, as defined in 47 U. S.C. § 332 (d).

\_\_\_ Providing significant new radio frequency coverage in an area not already served by radio frequency coverage to a network for “*personal wireless services*”, as defined in Section 322 (c) (7) (C) and/or to a network for “commercial mobile service”, as defined in 47 U. S.C. § 332 (d).

\_\_\_ Increasing the existing radio frequency signal level in an area with existing radio frequency coverage to a network for “*personal wireless services*”, as defined in Section 322 (c) (7) (C) and/or to a network for “commercial mobile service”, as defined in 47 U. S.C. § 332 (d).

\_\_\_ Intended to close or reduce an asserted “significant gap” in a wireless telecommunications cellular network, including to a network for “*personal wireless services*”, as defined in Section 322 (c) (7) (C) and/or to a network for “commercial mobile service”, as defined in 47 U. S.C. § 332 (d).

\_\_\_ Other. Attach a written statement fully describing all portions or elements of the “Other” dominant purpose of this Project.

Designate this exhibit as “Exhibit 5.02, Other purpose of this Project.”

**SECTION 6.00 “SIGNIFICANT GAP” QUESTIONS, IF APPLICABLE:** *(Not applicable for a fully qualified Section 6409 (a) eligible facility’s request to modify.)*

6.01: Is this Project intended to close or reduce an asserted “significant gap” in a wireless telecommunications network, to include a network for “personal wireless services”, as defined in Section 322 (c) (7) (C) and/or for “commercial mobile service”, as defined in 47 U. S.C. § 332 (d) (sometimes referred to collectively as “cellular network”)? If the answer is yes, attach a written statement, signed and sealed by an engineer licensed in Texas, including his or her designated primary area of engineering practice, and if it is not electrical engineering, then include a copy of his or her Supplementary Experience Record (SER) as filed with the Texas Board of Professional Engineers, Rule 133.97 (j), and explaining why he or she is competent without a designated primary area in the engineering branch area of electrical engineering concerning Radio Frequency (RF) engineering analysis. In such written statement provide full details describing the following:

- (1) Geographic boundary of the claimed significant gap area, attaching a street-level map showing that geographic boundary of the claimed significant gap.
- (2) Describe the size of the claimed significant gap area in square miles; and
- (3) Set out and explain the definition of and/or what constitutes a “significant gap” as used by Applicant in this Project.
- (4) If the term or of what constitutes a significant gap as set out above is different than the term significant gap is used or applied by the wireless industry generally, if known, and/or the FCC, if known, explain the differences and the reasons for the differences.
- (5) Where the Applicant has relied on external data sources to factually support the claimed significant gap area, identifying those sources and:

- a. Whether the claimed significant gap affects a significant number of commuters on particular roadways, and if so, name each roadway, and include addresses by blocks, and how affected; and
  - b. Describe the number of potential cellular network users in the claimed significant gap area; and
  - c. Describe the number of potential cellular network users in the claimed significant gap area who may be affected by the claimed significant gap; and
  - d. Describe whether the proposed Project is needed to improve weak signals in a cellular network or to fill a complete void in coverage in a cellular network, and provide Radio Frequency (RF) engineering analysis proof of either; and
  - e. If the claimed significant gap covers roads on which the cellular network users lack roaming capabilities, identify such roads by name and block address within the claimed significant gap area and provide road use information about each such road; and
  - f. If one or more “drive tests” was conducted within the claimed significant gap area, discuss in detail the methodology of how the test(s) were conducted, including details about the test equipment by manufacture, model numbers and years in service, if more than 2 years, and calibration maintenance records, if applicable, and location of the test equipment, including any antennas in or on the test vehicle. Provide the objective data collected during the drive test in standard portable spreadsheet format; and
  - g. If the claimed significant gap affects a retail commercial district, show the boundaries of the district on the map; and
  - h. If the claimed significant gap poses a public safety risk, describe in detail the claimed risk, and the basis for this claim, including any correspondence (email or in writing) from or to the public, if any; and to or from any public safety officials (fire, police, others), if any, concerning or relating to this claimed public safety risk; and
- (6) If the claimed significant gap is based in whole or in part on factors related to switching center capacity; dropped calls; failed hand-offs; interference from or to other cell sites; site hopping; degraded cellular radio frequency signals; and/or any failure to meet any carrier transmission goal or percentage goal, attach at least the most recent twelve months of historical data by month documenting at least:
- a. The results or numerical data of each claimed metric and range of each parameter;
  - b. the wireless carrier’s numerical and percentage requirements for each such claimed perimeter;
  - c. the total number of calls attempted for each month both successfully and unsuccessfully completed;
  - d. the total number of calls that were not completed including failed originations; failed hand-offs; and non-normal call terminations; and (5) for every such claimed parameter that is not categorized by way of number or percentage, provide the data in the way kept by the carrier.

Designate this exhibit as “Exhibit 6.01, Basis of “significant gap” closing as a purpose of this Project.”

**6.02: Alternative Candidate sites to close the significant gap, if applicable** *(Not applicable for a fully qualified Section 6409 (a) eligible facility’s request to modify.)*

6.02.1: Did the Applicant, or anyone working on behalf of the Applicant, secured or attempted to secure any leases or lease-options or similar formal or informal agreements in connection with this Project for any sites other than the proposed Project site? If yes, please provide the physical address of each such other location(s), and provide a narrative with technical explanation, to include a Radio Frequency (RF) engineering analysis, as to why each such other site was not used as the project site, including identifying and discussing all alternative sites considered to close the significant gap.

6.02.2: Are there any sites in lieu of the site proposed by Applicant that could either close the significant gap claimed or reduce the significant gap to be less than significant, with less impact on the community as compared with a single site? If yes, please provide the physical address of each such other location(s), and provide a narrative with technical explanation to include a Radio Frequency (RF) engineering analysis, as to why each such other site was not used as the project site, including identifying and discussing all alternative sites considered to close the significant gap. If the answer is no, please explain in narrative format the basis for that answer.

6.02.3: If there were no alternative sites were reviewed by the Applicant, or anyone working on behalf of the Applicant, please answer why in technical detail to include a Radio Frequency (RF) engineering analysis.

Designate these Responses to 6.02.1 to 6.02.3 as “Exhibit 6.02, Alternative Candidate site to close the significant gap information”.

6.02.4: If the City required the Applicant to designate one or more sites as alternative sites to the proposed site for the Project, would that requirement “unreasonably” discriminate against the Applicant from among providers of functionally equivalent services, or prohibit or have the effect of prohibiting the provision of “personal wireless services”, as defined in Section 322 (c) (7) (C) and/or “commercial mobile service”, as defined in 47 U. S.C. § 332 (d)? If the Applicant’s response asserts that either unreasonable discrimination or a prohibition or effective prohibition would occur, explain in detail in narrative form the technical, to include a Radio Frequency (RF) engineering analysis, why it would do so.

Designate this Response as “Exhibit 6.02.4, City requirement of the Applicant to designate alternative sites to the proposed site for the Project will prohibit or have the effect of prohibiting the Applicant from providing any interstate or intrastate telecommunications service”.

**6.03: Proposed site, as the one and only one location to close the significant gap, if applicable** *(Not applicable for a fully qualified Section 6409 (a) eligible facility’s request to modify.)*

6.03.1: Does the Applicant considered the proposed site as the one and only one location within or outside of the City that can close the significant gap? If yes, provide a technically detailed explanation supported by comprehensive radio frequency data and other necessary information fully describing why the proposed site is the one and only one location within or outside of the City that can possibly close the significant gap to include a Radio Frequency (RF) engineering analysis.

Designate this Response as “Exhibit 6.03.1, Proposed site as the one and only one location to close the significant gap information”.

6.03.2.: If the City denied the application at the site proposed for the Project, would that denial “unreasonably” discriminate against the Applicant from among providers of functionally equivalent services, or prohibit or have the effect of prohibiting the provision of “personal wireless services”, as defined in Section 322 (c) (7) (C) and/or “commercial mobile service”, as defined in 47 U. S.C. § 332 (d)? If the Applicant’s response asserts that either unreasonable discrimination or a prohibition or effective prohibition would occur, explain in detail in narrative form the technical, and other reasons why it would do so to include a Radio Frequency (RF) engineering analysis.

Designate this Response as “Exhibit 6.03.2, City denial of this Project at this site will prohibit or have the effect of prohibiting the Applicant from providing any interstate or intrastate telecommunications service”.

**6.04: Least intrusive means to close the significant gap, if applicable** (*Not applicable for a fully qualified Section 6409 (a) eligible facility’s request to modify.*)

6.04.1: Is the proposed Project the least intrusive means to close the significant gap claimed and described above? If yes, attach a written statement describing at a minimum, why this project is the least intrusive means to close the significant gap claimed, to include a Radio Frequency (RF) engineering analysis and other information you relied on in reaching your affirmative determination in above.

Designate this Response as “Exhibit 6.04, Proposed Project as the least intrusive means to close the significant gap information”.

6.04.2: If the City required the Applicant to have a less intrusive Project, to include a reduction in height and/or width, or to have concealment or stealth requirements, would those requirements would any of those requirements “unreasonably” discriminate against the Applicant from among providers of functionally equivalent services, or prohibit or have the effect of prohibiting the provision of “personal wireless services”, as defined in Section 322 (c) (7) (C) and/or “commercial mobile service”, as defined in 47 U. S.C. § 332 (d)? If the Applicant’s response asserts that either unreasonable discrimination or a prohibition or effective prohibition would occur, explain in detail in narrative form the technical, and other reasons why it would do so to include a Radio Frequency (RF) engineering analysis.

Designate this Response as “Exhibit 6.04.2, City requirement of the Applicant to have a less intrusive Project, to include a reduction in height and/or width, or to have concealment or stealth requirement, will prohibit or have the effect of prohibiting the Applicant from providing any interstate or intrastate telecommunications service”.

**SECTION 7.00: WIRELINE PHYSICAL INTERCONNECTIONS BETWEEN THE PROPOSED SITE AND OTHER SITES THAT USE THE PUBLIC RIGHTS-OF-WAY:**

7.01: If the Project is to be physically interconnected by new wireline “back haul” on, over or under public rights-of-way, please provide the following, as applicable:

- (1) Identify by physical street address of the public rights-of-way, and the managing jurisdiction of the public-rights-of-way (City, County, or State).
- (2) Technical detail of the proposed method of the physical wireline interconnection, including, but not limited to: overhead, underground, conduits, leased capacity of others, *noting existing wireline connections and new ones*.
- (3) Detailed maps and drawings depicting the connections between the proposed Project site and the other sites where they are to be on, over or under public rights-of-way, *noting existing wireline connections and new ones*.
- (4) Detailed information as to the Applicant's governmental grant of authority to use such public-rights-of-way for this purpose of physically interconnecting the Project to any other site or sites by the name of the approving governmental authority, including related documents (e.g., ordinances, franchise, agreements, license or permits), and/or applicable statutes by citation or other means of granting the Applicant (or others) the privilege to place private facilities in the public rights-of-way for private use to connect wireless facilities' sites.

Designate this as "Exhibit7.01, Wireline/backhaul interconnections in the Public Rights-of-Way Information."

**SECTION 8.00: LEASE ALLOWANCE OF ADDITIONAL WIRELESS FACILITIES AND/OR PROVIDERS:** (*Optional response, at Applicant's sole discretion.*)

8.01: To the extent not confidential, will the Proposed Site be available for use by other wireless providers?

8.02: To the extent not confidential, does the lease agreement require written consent from the landowner/landlord to allow other wireless providers and/or additional wireless facilities?

8.03: To the extent not confidential, does the lease agreement have any limitations as to:

- (1) size- length, width, height, weight of facilities on the tower, or limitations as to the exact placement of the wireless antenna array and/or its "footprint"; or
- (2) any limitations of any other any additional wireless facilities to be placed on the tower by applicant or other wireless providers on the site at ground level or on the tower?

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<sup>i</sup> *FCC 2009 Declaratory Ruling* is downloadable at: [https://apps.fcc.gov/edocs\\_public/Query.do?mode=advance&rpt=cond](https://apps.fcc.gov/edocs_public/Query.do?mode=advance&rpt=cond)

<sup>ii</sup> *FCC 2014 Wireless Infrastructure Order* is downloadable at: <http://www.fcc.gov/document/wireless-infrastructure-report-and-order>.

*Effective dates of the FCC 2014 Wireless Infrastructure Order:*

April 8, 2015: Section 6409 (a) rules are effective *April 8, 2015* (90 days after the Jan. 8, 2015 publication in the Federal Register (FR). *2014 Wireless Infrastructure Order*, ¶ 242), except to the extent Office of Management and Budget (OMB) approval is required, *2014 Wireless Infrastructure Order*, ¶ 286.

Sections requiring OMB approval are to be effective sometime after Jan. 20, 2015, but no earlier than April 8, 2015: The FCC determined the following portions of the Section 6409 (a) FCC rules require OMB approval before they are effective: 47 C.F.R. §§ 1.40001 (c) (3) (i) [detailed city document request for supplemental

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information to toll the 60 days “shot clock” due to 30 day notice of incompleteness]; 1.40001 (c) (3) (iii) [City 10 day review of supplemental information, and subsequent request to submit information to further toll the “shot clock”]; and 1.40001 (c) (4) [60 day failure to act “deemed granted”].

The link to the FCC’s OMB approval request is: [FR Notice](#). OMB action on this will be some time after Jan. 20, 2015, when comments are due. Until the OMB acts and the FCC publishes a notice of that OMB approval, those parts of the FCC Rules are not effective. *2014 Wireless Infrastructure Order*, ¶ 289. See FR also Jan. 8, 2015, at page 1238, <http://www.gpo.gov/fdsys/pkg/FR-2015-01-08/pdf/2014-28897.pdf>

Feb. 9, 2015: The balance of the Order on NHPA, NEPA and clarification of *FCC 2009 Declaratory Ruling* and Section 332 (c) (7) are effective 30 days from FR publication. *2014 Wireless Infrastructure Order*, ¶ 289, or Feb. 9, 2015. See FR also Jan. 8, 2015, at page 1238.

<sup>iii</sup> See *2009 Declaratory Order* ¶¶ 32 and 42, and FN 99; *FCC 2014 Wireless Infrastructure Order*, ¶ 216.

<sup>iv</sup> 47 C.F.R. § 1.40001(c).

<sup>v</sup> *2009 Declaratory Ruling*, ¶ 46. A Section 332 (c) (7) “collocation” project is one that does not “substantial increase in the size of a tower”. *2009 Declaratory Ruling*, footnote 146 states that a “substantial increase in the size of a tower” occurs when:(1) [t]he mounting of the proposed antenna on the tower would increase the existing height of the tower by more than 10%, or by the height of one additional antenna array with separation from the nearest existing antenna not to exceed twenty feet, whichever is greater, except that the mounting of the proposed antenna may exceed the size limits set forth in this paragraph if necessary to avoid interference with existing antennas; or (2) [t]he mounting of the proposed antenna would involve the installation of more than the standard number of new equipment cabinets for the technology involved, not to exceed four, or more than one new equipment shelter; or (3) [t]he mounting of the proposed antenna would involve adding an appurtenance to the body of the tower that would protrude from the edge of the tower more than twenty feet, or more than the width of the tower structure at the level of the appurtenance, whichever is greater, except that the mounting of the proposed antenna may exceed the size limits set forth in this paragraph if necessary to shelter the antenna from inclement weather or to connect the antenna to the tower via cable; or (4) [t]he mounting of the proposed antenna would involve excavation outside the current tower site, defined as the current boundaries of the leased or owned property surrounding the tower and any access or utility easements currently related to the site.”

<sup>vi</sup> 47 C.F.R. § 1.40001 (b) (6).

<sup>vii</sup> *FCC 2014 Wireless Infrastructure Order*, ¶ 180-81. Replacement may be of “transmission equipment”, and may include hardening of the structure as a whole “where such hardening is necessary for a covered collocation, replacement, or removal of transmission equipment, but does not include replacement of the underlying structure.”