

**Affidavit for Compliance with Applicable laws
Submittal Requirement 2-23, Item# (5)a. Sec 19-68(f)–(n)**

**RE: CyrusOne Communication Tower
2905 Diehl Road, Aurora, Illinois
City Project No. 2016.038**

On behalf of our client, CyrusOne, we would like to submit this affidavit in response to submittal requirement 2-23, item# (5)a. or Sec 19-68(f)–(n)) of the Ordinance, for the proposed communication tower at CyrusOne.

Requirement 2-23, item# (5)a. - A description of compliance with subsections 19-68(f)–(n), and all applicable federal, state or local laws.

Subject to the issuance of requested variances and waivers, the application will comply with applicable federal, state, and local statutes, regulations and ordinances, as the same exist at the time of City application number 2016.038 (March 2016), and to which the undersigned has been asked by the applicant to render its professional opinion.

19-68(f) - Aesthetics. The applicant meets the following requirements:

- 1. The towers shall either maintain a galvanized steel finish or, subject to any applicable standards of the FAA, be painted so as to reduce visual obtrusiveness.*
- 2. The design of the accessory buildings and related structures shall, to the extent possible, use materials, colors, textures, screening, and landscaping that will blend them into the natural setting and surrounding buildings.*
- 3. The antennas and supporting electrical and mechanical equipment will be of a neutral color that is identical to, or closely compatible with, the color of the supporting structure so as to make the antenna and related equipment as visually unobtrusive as possible, unless a different color is needed for public safety or service reliability reasons.*

19-68(g) - Lighting. The tower and antennas shall not be artificially lighted, unless required by the FAA or other applicable authority. If lighting is required, the lighting alternative and design chosen must cause the least disturbance to the surrounding views.

19-68(h) - State or federal requirements. This communication facility shall meet or exceed current standards and regulations of the FAA, the FCC, and any other agency of the state or federal government with the authority to regulate communications facilities. If such standards and regulations are changed, then the applicant shall bring this facility into compliance with such revised standards and regulations within six (6) months of the effective date of such standards and regulations, unless a different compliance schedule is mandated by the controlling state or federal agency. Failure to bring telecommunications facilities into compliance with such revised standards and regulations shall constitute grounds for their removal at the owner's expense as provided in section 19-76.

19-68(i) - Building codes: safety standards. The owner shall ensure that the structural integrity of this facility is maintained in compliance with standards contained in applicable state and local building codes and the applicable standards published in the National Electrical Code, as amended from time to time. If, upon inspection, the city concludes that any communications facility fails to comply with such codes and standards chapter 19 cc 20161213 clean legistar.docx Page 5 and constitutes a danger to persons or property, then upon notice being provided to the owner, the owner shall have thirty (30) days to bring such structure into compliance with such code and/or standard. Failure to do so within said thirty (30) days shall constitute grounds for the removal of the communications facility at the owner's expense, as provided in section 19-76.

19-68(j) - Public notice. The applicant will comply with and pay at its own expense for the public notice and individual notice by the city to all abutting property owners and within two hundred fifty (250) feet of the boundaries of the zoning lot in question. Streets, alleys and watercourses shall not be considered in the determination of "abutting" nor in calculating the two hundred fifty (250) feet.

19-68(k) - Signs. The applicant will comply with the "no sign" rule of the city that states no signs shall be allowed on communication facilities, except warning or notification signs required by federal law or regulations, identification and location markings, or as otherwise required by this article. Antenna shall not have signs installed thereon.

19-68(l) Buildings and support equipment. Buildings and support equipment associated with communications facilities shall comply with the requirements of section 19-72.

19-68 (m) - Multiple communications facilities plan. The city encourages the owners of all communications facilities to submit a single application for approval of multiple sites. Applications for approval of multiple sites shall be given priority in the review process.

19-68(n) - (n) Availability of suitable existing towers, other structures, or alternative technology. For a new tower, or pole with antenna(s) the applicant shall demonstrate to the reasonable satisfaction of the zoning administrator, FoxWalk Overlay District Design Review Committee, the planning commission, or city council, as the case may be, that no existing tower, pole, structure or alternative technology which does not require the use of towers or additional structures can accommodate the applicant's proposed pole or antenna. Evidence submitted to demonstrate that no existing tower, pole, structure or alternative technology which does not require the use of towers or structures can accommodate the applicant's proposed pole or antenna may consist of any of the following:

- 1. No existing towers, poles or structures are located within the geographic area which meet applicant's engineering requirements.*
- 2. Existing towers, poles or structures are not of sufficient height to meet applicant's engineering requirements and cannot be enlarged sufficiently to meet their needs.*
- 3. Existing towers, poles or structures do not have sufficient structural strength to support applicant's proposed antenna and related equipment.*
- 4. The applicant's proposed pole or antenna would cause electromagnetic interference with antenna on existing towers or structures, or the antenna on the existing towers or structures would cause interference with the applicant's proposed antenna.*

5. *The fees, costs, or contractual provisions required by the owner in order to share an existing tower, pole or structure or to adapt an existing tower, pole or structure for sharing are unreasonable.*
6. *The applicant demonstrates that there are other limiting factors that render existing towers, pole and structures unsuitable.*
7. *The applicant demonstrates that an alternative technology that does not require the use of towers, pole or structures, such as a microcell network using multiple low-powered transmitters/receivers attached to a wireline system, is unsuitable. Costs of alternative technology that exceed new tower or antenna development shall not be presumed to render the technology unsuitable.*

The tower's purpose is to provide alternative microwave connectivity to the CyrusOne Data Center. The alternative microwave access will serve as emergency backup for this critical piece of infrastructure that supports commerce, banking, and hundreds of corporate cloud services for the United States economy. The microwave links to the data center from multiple locations act as a backup to fiber services and provide additional security in the event of a natural disaster or force majeure. We have prepared microwave link coverage analysis for multiple links from the tower to determine the height. In order to achieve the objective of backup connectivity the tower height needs to be 350 feet. This height will ensure adequate connectivity to the backup connection points.

Bowman Consulting Group Ltd.




Payman Homayouni, P.E.
Senior Project Manager

State of Illinois
County of Cook

The foregoing instrument was acknowledged before me this 6th day of January, 2017 by Payman Homayouni who is the Senior Project Manager of Bowman Consulting Group.

My commission expires: 09/08/18



Dagmar Cameron
Notary Public

