ACTION: Request approval for a 50-foot high cellular telecommunications facility (Monopalm) without landscaping for ADOT UNIVERSITY, located at 2245 EAST UNIVERSITY DRIVE. The applicant is Sally Natalino of Crown Castle.

FISCAL IMPACT: N/A

RECOMMENDATION: Staff – Approve, Subject to Conditions

BACKGROUND INFORMATION: ADOT UNIVERSITY (PL190002) is proposing a new Use Permit for an existing stealth wireless communication facility on the southeast corner of East University Drive and South Price Road, adjacent to Laird Street, in the CSS, Commercial Shopping & Services District. The Facility is currently concealed as a palm tree providing a total of nine (9) antennas at the 47-foot center of radiation Height. The new configuration will relocate 3 of the existing antennas and add 3 new antennas at the current 47-foot center of radiation height. The request includes the following:

ZUP190001  Use Permit to allow a 50-foot high cellular telecommunications facility (Monopalm).

Property Owner  Arizona Department of Transportation
Applicant  Sally Natalino, Crown Castle
Zoning District  CSS, Commercial Shopping & Services
Total Site Area  18,036 s.f.
T-Mobile Lease Area  660 s.f.
Building Area  240 s.f.
Monopalm Height  50 ft (top of structure)
  55 ft (top of frond)

ATTACHMENTS: Development Project File

STAFF CONTACT(S): Blake Schimke, Planning Technician (480) 350-8245

Department Director: Chad Weaver, Community Development Director
Legal review by: N/A
Prepared by: Blake Schimke, Planning Technician
Reviewed by: Steve Abrahamson, Principal Planner
COMMENTS
T-Mobile is proposing a new Use Permit to add and replace existing antennas at an existing telecommunications facility (monopalm). The original Use Permit conditioned the applicant provide two (2) phoenix date palm trees and one (1) Chilean Mesquite. The current lease area does not have sufficient area and access to utilities. ADOT has refused any utility easement requests made by T-Mobile or Crown Castle and because of this the landscaping has not been maintained. This new Use Permit would allow them to make site enhancements without being in violation of previous conditions.

Staff has conditioned that if this Use Permit is approved, the applicant provide landscaping and further enhance the existing monopalm with more stealth materials to conceal and make it more compatible with the area as well as, match another monopalm in the area.

PUBLIC INPUT
To date, staff has received to E-mail communications, one stating support and the other indifferent to the application.

POLICE INPUT
N/A

USE PERMIT
According to Section 3-421, Wireless Telecommunication Facilities of the Zoning & Development Code, wireless telecommunication towers and related equipment facilities shall be allowed upon approval with a use permit.

Section 6-308 E Approval criteria for Use Permit (in italics):

1. Any significant increase in vehicular or pedestrian traffic; the facility will not generate any traffic other than routine maintenance or events of a technical breakdown.

2. Nuisance arising from the emission of odor, dust, gas, noise, vibration, smoke, heat or glare at a level exceeding that of ambient conditions; the nature of this use will not emit emissions at a level exceeding ambient conditions.

3. Contribution to the deterioration of the neighborhood or to the downgrading of property values, which is in conflict with the goals, objectives or policies for rehabilitation, redevelopment or conservation as set forth in the city’s adopted plans or General Plan; wireless communication facilities are permitted with a Use Permit by the Zoning & Development Code and consistent with the City’s adopted plans and General Plan.

4. Compatibility with existing surrounding structures and uses; the current monopalm is existing and will be enhanced with stealth materials and landscaping to make it compatible with the surrounding area.

5. Adequate control of disruptive behavior both inside and outside the premises which may create a nuisance to the surrounding area or general public; the proposed facility will be unmanned and will therefore will not contribute to any disruptive behavior or create any nuisance to the surrounding area.

REASONS FOR APPROVAL:
Based on the information provided by the applicant, the public input received and the above analysis staff supports approval of the requested Use Permit. This request meets the required criteria and will conform to the conditions.

SHOULD AN AFFIRMATIVE ACTION BE TAKEN ON THIS REQUEST, THE FOLLOWING NUMBERED CONDITIONS OF APPROVAL SHALL APPLY, BUT MAY BE AMENDED BY THE DECISION-MAKING BODY.

CONDITION(S) OF APPROVAL:

1. The Use Permit is valid only after a Building Permit has been obtained and the required inspections have been completed and a Final Inspection has been passed. As part of the Building Permit process, on-site storm water retention may be required to be verified or accomplished on this Site.
2. The Use Permit is valid for the plans as submitted within this application. Any additions or modifications may be submitted for review during building plan check process.

3. All required Federal, State, County, and Municipal permits, licenses, and clearances shall be obtained or the Use Permit is void.

4. If there are any complaints arising from the Use Permit that are verified by a consensus of the complaining party and the City Attorney’s office, the Use Permit will be reviewed by City staff to determine the need for a public hearing to re-evaluate the appropriateness of the Use Permit, which may result in termination of the Use Permit.

5. Any intensification or expansion of use shall require a new Use Permit.

6. Landscaping shall be provided onsite to further conceal the monopalm. If the Use Permit is Approved, the applicant shall submit landscape plans through a Development Plan Review.

7. Maintain a minimum of twenty-foot (20'-0") separation from any proposed tree.

8. The monopalm shall be no greater than 50'-0" in height to top of structure.

9. A new 8-foot wall shall be constructed surrounding the lease area with materials matching the existing walls onsite.

10. The equipment cabinet shall be painted to match the existing integral colored masonry walls.

11. The antenna array shall not extend more than thirty (30) inches from the structure to which it is attached.

12. The entire length of the antenna must be disguised by the palm fronds.

13. The pole structure must be clad with faux bark. The bark shall start at the base of the pole and continue to the height of the first palm frond attachment. The balance of the pole structure and the attachments must be painted to blend with the palm fronds.

14. All cables must be concealed within the pole structure.

15. Microwave dishes shall be limited to one (1) square foot in size and must be concealed within the trimmed leaf cluster (often referred to as the “pineapple”) of the Monopalm or within the palm fronds.

16. The trimmed leaf cluster shall be mounted directly below the palm fronds and shall be painted to blend with the pole structure.

17. A weather resistant emergency contact information sign shall be posted on the site and shall be visible to the public.

18. All nonconforming building lighting shall be removed and replaced with compliant light fixtures. Details can be resolved during Building Safety Plan Review.

19. Irrigation shall be provided onsite to all landscape areas.
CODE/ORDINANCE REQUIREMENTS:
The bulleted items refer to existing code or ordinances that planning staff observes are pertinent to this case. The bullet items are included to alert the design team and assist in obtaining a building permit and are not an exhaustive list.

- The Use Permit is valid for ADOT UNIVERSITY and may be transferable to successors in interest through an administrative review with the Community Development Director, or designee.

- Specific requirements of the Zoning and Development Code (ZDC) are not listed as a condition of approval, but will apply to any application. To avoid unnecessary review time and reduce the potential for multiple plan check submittals, become familiar with the ZDC. Access the ZDC through http://www.tempe.gov/zoning or purchase from Development Services.

- All business signs shall receive a Sign Permit. Contact sign staff at 480-350-8435.

- Wireless Telecommunication Facilities may be co-located, subject to administrative review only. Any addition to the existing height or change in appearance of the tower to facilitate co-location may require a new use permit.

- The wireless device shall be removed within 30 days of discontinuance of use.

HISTORY & FACTS:
March 15, 2017 Staff Administratively approved a Development Plan Review for modifications to the 55’-0” (top of frond) wireless antenna located at 2245 East University Drive within the CSS, Commercial Shopping & Services zoning district.

July 7, 2015 Hearing Officer approved a Use Permit for a wireless communication facility located at 2425 East University Drive within the CSS, Commercial Shopping & Services zoning district.

November 7, 2006 Hearing Officer approved a Use Permit for a 55’-0” (top of frond) wireless antenna located at 2245 East University Drive within the CSS, Commercial Shopping & Services zoning district.

ZONING AND DEVELOPMENT CODE REFERENCE:
Section 3-202 Permitted Uses in Commercial and Mixed-Use Districts
Section 3-421 Wireless Telecommunication Facilities
Section 4-203 Development Standards for Commercial and Mixed-Use Districts
Section 6-308 Use Permit
DEVELOPMENT PROJECT FILE
for
ADOT UNIVERSITY
PL190002

ATTACHMENTS:
1. Location Map
2. Aerial
3-6. Map of Site and Lease Area
7-16. Project Plans
17-34. City of Tempe Application for Wireless Projects
35. Letter of Explanation
36-38. Site Plan
39. Elevations
40-46. Photo Simulations
47-48. Public Comment
49-57. Other Monopalm facility Examples
Aerial Map
T-MOBILE SITE NUMBER: PH10240E
BU #: 822272
ADOT UNIVERSITY
2245 E. UNIVERSITY DR
TEMPE, AZ 85281
EXISTING 50' 0" MONOPALM
CITY OF TEMPE
APPLICATION FORM FOR WIRELESS PROJECTS

The provision and siting of wireless (macro and microcell, Wi-Fi, distributed antenna system ("DAS"), etc.) services are highly technical enterprises subject to various federal, state, and local regulations. This application is designed to elicit information for a proposed new or modified wireless communications site project ("Project") within the City of Tempe, whether on private or public property or in the right-of-way ("ROW").

Completion of this application is mandatory for such wireless Projects to comply with City of Tempe duties under its Code; the Communications Act of 1934 as amended; the FCC Shot Clock Order (FCC 09-99); and other local, state, and federal laws, regulations, and court rulings. This document contains information necessary to permit the City of Tempe's informed consideration of a request.

Determination of completeness: No application for a new or modified wireless Project shall be considered until all required responses to this application form and required Exhibits are completed and tendered to the City of Tempe.

If you do not believe that a specific item of information is necessary or applies to your application based on the type of wireless Project, mark the item on this form with the words, "Not Applicable" and attach a detailed written explanation as to the basis for your belief (e.g., "Question 94.7 does not apply to this application because the proposed Project has no microwave transmission element.") An unsupported statement such as "Question 94.7 does not apply" is insufficient, and the determination of completeness of your application will be delayed while you provide a meaningful and detailed explanation.

The City of Tempe will review the application for completeness within 30 days and return incomplete submittals to the applicant.

Every page of this form including this page and the last page must be returned to the City of Tempe. Each page including this page and the last page must be initialed where indicated. The last page must also be completed, signed, and dated. Please note that item numbers in this form are intentionally non-sequential.

Questions should be directed to:

For Projects in the ROW:

Land Services – Engineering Division
31 E. Fifth St.
Tempe, AZ 85281
City Hall Municipal Complex
Garden Level, West Wing
480-350-8200

For Projects on private or public property:

Planning Division – Community Development
31 E. Fifth St.
Tempe, AZ 85281
City Hall Municipal Complex
Garden Level, East Wing
480-350-8331
Please Identify the Type of Wireless Project Proposed

- Amateur Radio
- Broadcast Radio
- Broadcast TV
- Cellular Telephone
- Enhanced Specialized Mobile Radio
- Microwave
- PCS phone
- SMR/ESMR
- WiFi/WiMax
- Satellite Uplink
- Satellite Downlink
- Small Cell
- Wireless Router
- Other(s) (specify)

1.00 Project Location and Applicant Information

Submit Community Development Department Project Submittal Application. Designate this application as "Exhibit 1.01."

Initial here to indicate that Exhibit 1.01 is attached to this form.

2.00 Project Owner and Applicant Information

Submit Property Owner/Business Owner/Applicant Information Form. Designate this form as "Exhibit 2.01."

Initial here to indicate that the Exhibit 2.01 is attached to this form.

3.00 FCC License / RF Safety Compliance / FAA Compliance:

3.01 For each licensee and for each radio service, submit the answers to Appendix A (attached). Designate all completed Appendix A forms as "Exhibit 3.01."

Note to DAS provider applicants: Unless the DAS provider is the FCC licensee for the proposed project or the emissions from the site are solely for the DAS provider's own transmissions, the DAS provider must provide an Appendix A form completed by each wireless carrier or wireless service provider to be transmitted through the Project at each wireless site. Appendix A forms completed by a DAS provider are unacceptable if they are not the FCC licensee for the particular wireless service(s) to be transmitted through the project.

For consistency, all Appendix A forms must use effective radiated power (ERP) units of measure. Do not use effective isotropic radiated power (EIRP). To verify your understanding of this requirement, you must append the letters "ERP" following each wattage listing in each Appendix A form you submit.

Initial here to indicate that Exhibit 3.01 is attached to this form.

3.02 Considering your response above and any other identifiable RF emitters that FCC OET Bulletin 65 requires be evaluated in connection with this Project, are all portions of this Project cumulatively "categorically excluded" under FCC OET 65 Bulletin requirements?

- Yes
- No

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Applicant's Representative Listed in 1.00 Must Initial Here: [Signature]
3.03 Provide a written statement for each entity that will be using the Project site that the use complies/will comply with all FCC and FAA regulations. Attach an RF-EME Report if available. Designate this/these statement(s) as “Exhibit 3.03.”

Initial here ________ to indicate that Exhibit 3.03 is attached to this form.

4.00: Project Purpose

4.01: Note to all applicants: For each entity that will be using the Project site, provide the information in this section. If more than one person/legal entity, provide separate information for each person/legal entity using the Project site.

4.02: Indicate the dominant purpose of the Project (check one or more, then proceed as directed):

☐ Add network capacity without adding significant new RF coverage area; Proceed to Section 4.04.

☐ Provide significant new radio frequency coverage in an area not already served by radio frequency coverage; Proceed to Section 4.04.

☐ Increase the existing RF signal level in an area with existing radio frequency coverage; Proceed to Section 4.04.

☐ Other; Proceed to Section 4.03.

4.03 Attach a written statement fully and expansively describing all portions or elements of the “Other” dominant purpose of this Project. Designate this exhibit as “Exhibit 4.03.”

Initial here ________ to indicate that Exhibit 4.03 is attached to this form.

4.04 Is this Project intended to close or reduce an asserted “significant gap” in a wireless telecommunications network? ___ Yes ___ No

4.05 If the answer to 4.04 is NO proceed to Section 4.07. If YES, proceed to Section 4.06.

4.06 Attach a written statement fully and expansively describing the following:

a. A clear description of the geographic boundary of the claimed significant gap area; and
b. Attach a street-level map showing the geographic boundary of the claimed significant gap stated in 4.06(a); and
c. Identify the size of the area, in units of square miles, of the claimed significant gap; and
d. Attach a street-level map showing the geographic boundary that would be served
by the Project if approved; and
e. Provide all other relevant information that the City of Tempe should consider when evaluating your claim of a significant gap.

Designate this exhibit as “Exhibit 4.06.”

Initial here _______ to indicate that Exhibit 4.06 is attached to this form.

4.07 If applying for a Use Permit:

A Use Permit shall be granted only upon a finding by the decision-making body, that the use covered by the permit, the manner of its conduct, and any building which is involved, will not be detrimental to persons residing or working in the vicinity, to adjacent property, to the neighborhood, or to the public welfare in general, and that the use will be in full conformity to any conditions, requirements, or standards prescribed therefore by this Code.

In arriving at the above determination, the following factors shall be considered, but not be limited to:

a. Any significant increase in vehicular or pedestrian traffic;

b. Nuisance arising from the emission of odor, dust, gas, noise, vibration, smoke, heat, or glare at a level exceeding that of ambient conditions;

c. Contribution to the deterioration of the neighborhood or to the downgrading of property values which, is in conflict with the goals, objectives or policies for rehabilitation, redevelopment or conservation as set forth in the city's adopted plans or General Plan;

d. Visual compatibility with existing surrounding structures and uses, including compliance with any stealth and concealment requirements; and

e. Adequate control of disruptive behavior both inside and outside the premises, which may create a nuisance to the surrounding area or general public.

Attach a letter of explanation that addresses the above Approval Criteria. Designate this exhibit as “Exhibit 4.07.”

Initial here _______ to indicate that Exhibit 4.07 is attached to this form.

4.08 Attach a written statement fully and expansively describing at a minimum:

a. Why this Project is the least intrusive means to close the significant gap claimed and described in 4.06.

b. Identify and discuss all alternative sites and means considered to close the
significant gap claimed and described in 4.06.

c. Whether two or more sites in lieu of the site proposed in Section 1 could close the significant gap claimed and described in 4.06, or to reduce the significant gap to be less than significant, with less impact on the community as compared with a single site? If the answer is no, please explain in narrative format the basis for that answer.

d. Whether the City of Tempe requiring two or more sites in place of the site proposed in Section 1 would prohibit or have the effect of prohibiting the Applicant from providing any interstate or intrastate telecommunications service. If the response asserts that a prohibition or effective prohibition would occur, explain in detail in narrative form all of the reasons why it would.

Include any other information you believe would assist the City of Tempe in making findings regarding whether the proposed Project is the least intrusive means of closing the significant gap claimed and described in 4.06.

Designate this exhibit as “Exhibit 4.08.”

Initial here _______ to indicate that Exhibit 4.08 is attached to this form.

5.00 Project Base Photographs and Photo Simulations

5.01 The Applicant shall submit photo simulations consistent with the following standards:

1. Minimum size of each base (existing) photo and each photo simulation must be 10 inches by 8 inches. Each base photo and matching photo simulation must be the same size.

2. All elements of the Project as proposed by the Applicant which can be seen from any point at ground level, or from any level within or on buildings within a ½ mile radius of the Project must be shown in one or more close-in photo simulations (i.e., panel antennas, omni-directional antennas, GPS antennas, antenna camouflage devices, cable trays, equipment cabinets, working lights, etc.).

3. The overall Project as proposed by the Applicant must be shown in three or more area photo simulations. Base photographs must, at a minimum, be taken from widely scattered positions of 120 degrees. A map detail showing each location where a photograph was taken, the proposed site, and the direction to the site from each photo location must be included. Base photographs taken from locations that have some physical feature obscuring the Project site, and the photo simulations associated with those same base photographs, are not acceptable.

Attach all base photographs and photo simulations to this application marked as “Exhibit 5.01.”
The purpose of the photo simulations is to allow the City of Tempe to visualize the wireless Project as completed, therefore the number of site photos, and photo simulations, and the actual or simulated camera location of these photos and photo simulations are subject to City of Tempe determination. The Applicant should submit photos and photo simulations consistent with these instructions, and be prepared to provide additional photos and photo simulations should they be requested by the City of Tempe.

The Applicant certifies by initialing in the space at the end of this paragraph that all of the photos and photo simulations provided for Exhibit 5.01 are accurate and reliable photographic 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 of Tempe will rely on all of the photos and photo simulations provided in Exhibit 5.01 when it considers approval of this Project, and later when determining Project completion.

Applicant’s initials: __________

6.00 Minimization of Visual Impact

6.01 Provide documentation of the steps that will be taken to minimize visual impact of the proposed wireless attachment or facility to comply with any stealth and concealment requirements. Designate this exhibit as “Exhibit 6.01.”

Initial here ______ to indicate that Exhibit 6.08 is attached to this form.

7.00 Landscape Plan

7.01 Provide a landscape plan, drawn to scale, that is consistent with the need for screening at the site. Any existing vegetation that is to be removed must be clearly indicated and provision for mitigation included where appropriate. Designate this exhibit as “Exhibit 7.01.”

8.00 Feasibility Study for Co-Location

8.01 Provide a feasibility study for the co-location of telecommunication facilities as an alternative to new structures. The study shall include:

a. An inventory, including the location, ownership, height, and design of existing Wireless Telecommunication Facilities within one-half (1/2) mile of the proposed location of a new Wireless Telecommunication Facilities. The city may share such information with other applicants seeking permits for WTFs, but shall not, by sharing such information, in any way represent or warrant that such sites are available or suitable.

b. Applicant shall document efforts made to co-locate on existing verticality. Each applicant shall make a good faith effort to contact the owner(s) of existing or approved structures and shall provide a list of all owners contacted in the area,
including the date, form and content of such contact. Co-location shall not be
precluded simply because a fee for shared use is charged, or because of
reasonable costs necessary to adapt the existing and proposed uses to a shared
site.

Designate this study as “Exhibit 8.01.”

Initial here ______ to indicate that Exhibit 8.01 is attached to this form.

9.00 Alternative Candidate Sites

9.01 Amateur radio applicants proceed to Section 10.00.

9.02 Has the Applicant or Owner or anyone working on behalf of the Applicant or Owner
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?
___ Yes   ___ No

9.03 If the answer to 9.02 is NO proceed to Section 9.05. If the answer is YES, proceed to
Section 9.04.

9.04 Provide the physical address of each such other location, and provide an expansive
technical explanation as to why each such other site was disfavored over the Project site.
Designate this exhibit as “Exhibit 9.04.”

Initial here ______ to indicate that Exhibit 8.04 is attached to this form.

9.05 Considering this proposed site, is it the one and only one location within or outside of
the City of Tempe that can possibly meet the objectives of the Project?
___ Yes   ___ No

9.06 If the answer to 9.05 is NO, proceed to Section 10.00. If the answer is YES, proceed
to Section 9.07.

9.07 Provide a technically expansive and detailed explanation supported as required by
comprehensive radio frequency data and all other necessary information fully describing why
the proposed site is the one and only one location within or outside of the City of Tempe that can
possibly meet the radio frequency objectives of the Project. Explain, in exact and
expansive technical detail, all of the objectives of this Project that can be achieved only at this
Project site, and why.

Designate this exhibit as “Exhibit 9.07.”

Initial here ______ to indicate that Exhibit 9.07 is attached to this form.
10.00 Identification of Key Persons

10.01 Identify by name, title, company affiliation, work address, telephone number and extension, and email address of the key person or persons most knowledgeable regarding this Project so that the City of Tempe may contact them with questions regarding the Project:

10.02 Person responsible for the final site selection for the Project:

Name: Travis Schenk
Title: Project Manager
Company Affiliation: Crown Castle
Work Address: 3055 S. Stearns Dr
Telephone / Ext.: 480-734-2432
Email Address: travis.schenk@crowncastle.com

10.03 Person responsible for the radio frequency engineering of the Project:

Name: 
Title: 
Company Affiliation: 
Work Address: 
Telephone / Ext.: 
Email Address: 

10.04 Person responsible for rejection of other candidate sites evaluated, if any:

Name: Megan Renato
Title: Project Manager
Company Affiliation: Crown Castle
Work Address: 3055 S. Stearns Dr
Telephone / Ext.: 480-734-2437
Email Address: megan.renato@crowncastle.com

11.00 Additional Information Provided by Applicant

11.01 You are invited and encouraged to provide any additional written information of any kind that you wish the City of Tempe to consider in connection with your proposed Project.

If you wish to attach additional written information, designate this exhibit as “Exhibit 11.01”

Initial here ______ to indicate that Exhibit 11.01 is attached to this form, or initial here ______ to indicate that there is no Exhibit 11.01 attached.

12.00 Certification of Accuracy and Reliability

12.01 The undersigned certifies on behalf of itself, the Applicant, the Project Owner, and the Property Owner (if property owner is other than the City of Tempe) that the information provided in this form and its contents are true and complete to the best of the undersigned’s ability and knowledge, and that information provided here can and should be relied upon by
the City of Tempe as being accurate and complete as the City of Tempe evaluates this Project.

Signature

Print Name

Print Company Name

Date Signed

<Last Page: Remember to sign above and initial below>
Appendix A

Checklist to Determine
Whether a Facility is Categorically Excluded
From Determination of Compliance

The FCC has determined that many wireless facilities are unlikely to cause human exposures in excess of RF exposure guidelines. Operators of those facilities are exempt from routinely having to determine their compliance. These facilities are termed "categorically excluded." Section 1.1307(b)(1) of the FCC’s rules defines those categorically excluded facilities.

This checklist will assist the City in identifying those wireless facilities that are categorically excluded, and thus are highly unlikely to cause exposure in excess of the FCC’s guidelines. Provision of the information identified on this checklist may also assist FCC staff in evaluating any inquiry regarding a facility’s compliance with the RF exposure guidelines.

BACKGROUND INFORMATION

1. Facility Operator’s Legal Name: _______________ T-Mobile West Tower LLC _______________
2. Facility Operator’s Mailing Address: 3055 S. Storm Way, Clive, IA 50325
3. Facility Operator’s Contact Name/Title: _______________ Sally Hufeling, Real Estate  _______________ Sponsor _______________
4. Facility Operator’s Office Telephone: _______________ 602-845-1704 _______________
5. Facility Operator’s Fax: _______________ 784-416-6772 _______________
6. Facility Name: _______________ ADOT University _______________
7. Facility Address: _______________ 2245 E. University Dr. _______________
8. Facility City/Community: _______________ Tempe _______________
9. Facility State and Zip Code: _______________ AZ 85281 _______________
10. Latitude: _______________ 33° 25' 17.10" _______________
11. Longitude: _______________ -111° 53' 23.30" _______________

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Applicant’s Representative Initial: __________________

Must Initial Here: __________________
EVALUATION OF CATEGORICAL EXCLUSION

12. Licensed Radio Service (see attached Table 1):

13. Structure Type (free-standing or building/roof-mounted): ____________

14. Antenna Type [omnidirectional or directional (includes sectored)]: ____________

15. Height above ground of the lowest point of the antenna (in meters): ____________

16. □ Check if all of the following are true:
   (a) This facility will be operated in the Multipoint Distribution Service, Paging and Radiotelephone Service, Cellular Radiotelephone Service, Narrowband or Broadband Personal Communications Service, Private Land Mobile Radio Services Paging Operations, Private Land Mobile Radio Service Specialized Mobile Radio, Local Multipoint Distribution Service, or service regulated under Part 74, Subpart I (see question 12).
   (b) This facility will not be mounted on a building (see question 13).
   (c) The lowest point of the antenna will be at least 10 meters above the ground (see question 15).

If box 16 is checked, this facility is categorically excluded and is unlikely to cause exposure in excess of the FCC’s guidelines. The remainder of the checklist need not be completed. If box 16 is not checked, continue to question 17.

17. Enter the power threshold for categorical exclusion for this service from the attached Table 1 in watts ERP or EIRP* (note: EIRP = (1.64) X ERP):

18. Enter the total number of channels if this will be an omnidirectional antenna, or the maximum number of channels in any sector if this will be a sectored antenna:

19. Enter the ERP or EIRP per channel (using the same units as in question 17):

20. Multiply answer 18 by answer 19:

21. Is the answer to question 20 less than or equal to the value from question 17 (yes or no)?

If the answer to question 21 is YES, this facility is categorically excluded. It is unlikely to cause exposure in excess of the FCC’s guidelines.

If the answer to question 21 is NO, this facility is not categorically excluded. The City will need further information to verify whether the facility may cause exposure in excess of the FCC’s guidelines.

*"ERP" means "effective radiated power" and "EIRP" means "effective isotropic radiated power"
<table>
<thead>
<tr>
<th>SERVICE (TITLE 47 CFR RULE PART)</th>
<th>EVALUATION REQUIRED IF:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Experimental Radio Services (part 5)</td>
<td>power &gt; 100 W ERP (164 W EIRP)</td>
</tr>
<tr>
<td>Multipoint Distribution Service (subpart K of part 21)</td>
<td>non-building-mounted antennas: height above ground level to lowest point of antenna &lt; 10 m and power &gt; 1640 W EIRP building-mounted antennas: power &gt; 1640 W EIRP</td>
</tr>
<tr>
<td>Paging and Radiotelephone Service (subpart E of part 22)</td>
<td>non-building-mounted antennas: height above ground level to lowest point of antenna &lt; 10 m and power &gt; 1000 W ERP (1640 W EIRP) building-mounted antennas: power &gt; 1000 W ERP (1640 W EIRP)</td>
</tr>
<tr>
<td>Cellular Radiotelephone Service (subpart H of part 22)</td>
<td>non-building-mounted antennas: height above ground level to lowest point of antenna &lt; 10 m and total power of all channels &gt; 1000 W ERP (1640 W EIRP) building-mounted antennas: total power of all channels &gt; 1000 W ERP (1640 W EIRP)</td>
</tr>
<tr>
<td>SERVICE (TITLE 47 CFR RULE PART)</td>
<td>EVALUATION REQUIRED IF:</td>
</tr>
<tr>
<td>----------------------------------</td>
<td>-------------------------</td>
</tr>
<tr>
<td>Personal Communications Services (part 24)</td>
<td>(1) Narrowband PCS (subpart D): non-building-mounted antennas: height above ground level to lowest point of antenna &lt; 10 m and total power of all channels &gt; 1000 W ERP (1640 W EIRP) building-mounted antennas: total power of all channels &gt; 1000 W ERP (1640 W EIRP)</td>
</tr>
<tr>
<td>Satellite Communications (part 25)</td>
<td>all included</td>
</tr>
<tr>
<td>General Wireless Communications Service (part 26)</td>
<td>total power of all channels &gt; 1640 W EIRP</td>
</tr>
<tr>
<td>Wireless Communications Service (part 27)</td>
<td>total power of all channels &gt; 1640 W EIRP</td>
</tr>
<tr>
<td>Radio Broadcast Services (part 73)</td>
<td>all included</td>
</tr>
<tr>
<td>SERVICE (TITLE 47 CFR RULE PART)</td>
<td>EVALUATION REQUIRED IF:</td>
</tr>
<tr>
<td>----------------------------------</td>
<td>-------------------------</td>
</tr>
</tbody>
</table>
| Experimental, auxiliary, and special broadcast and other program distributional services (part 74) | subparts A, G, L: power > 100 W ERP  
subpart I:  
non-building-mounted antennas: height above ground level to lowest point of antenna < 10 m and power > 1640 W EIRP  
building-mounted antennas:  
power > 1640 W EIRP |
| Stations in the Maritime Services (part 80) | ship earth stations only |
| Private Land Mobile Radio Services Paging Operations (part 90) | non-building-mounted antennas: height above ground level to lowest point of antenna < 10 m and power > 1000 W ERP (1640 W EIRP)  
building-mounted antennas: power > 1000 W ERP (1640 W EIRP) |
| Private Land Mobile Radio Services Specialized Mobile Radio (part 90) | non-building-mounted antennas: height above ground level to lowest point of antenna < 10 m and total power of all channels > 1000 W ERP (1640 W EIRP)  
building-mounted antennas:  
total power of all channels > 1000 W ERP (1640 W EIRP) |
<table>
<thead>
<tr>
<th>SERVICE (TITLE 47 CFR RULE PART)</th>
<th>EVALUATION REQUIRED IF:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Amateur Radio Service (part 97)</td>
<td>transmitter output power &gt; levels specified in § 97.13(c)(1) of this chapter</td>
</tr>
</tbody>
</table>
| Local Multipoint Distribution Service (subpart L of part 101) | non-building-mounted antennas: height above ground level to lowest point of antenna < 10 m and power > 1640 W EIRP  
building-mounted antennas: power > 1640 W EIRP  
LMDS licensees are required to attach a label to subscriber transceiver antennas that: (1) provides adequate notice regarding potential radiofrequency safety hazards, e.g., information regarding the safe minimum separation distance required between users and transceiver antennas; and (2) references the applicable FCC-adopted limits for radiofrequency exposure specified in § 1.1310 of this chapter. |
Main Special Inspection Categories and Subcategories

1. Fabricator
   - Fabrication and implementation procedures.
   - Fabricator approval.
2. Steel construction. See Table.
   - Structural steel.
   - Steel construction other than structural steel.
   - Welding.
     - Cold-formed steel.
     - Reinforcing steel.
   - Cold-formed steel trusses spanning 60 feet or greater.
3. Concrete construction. See Table.
   - Materials.
4. Masonry construction. See Table.
   - Empirically designed masonry, glass unit masonry and masonry veneer in Risk Category IV.
   - Vertical masonry foundation elements.
5. Wood construction.
   - High-load diaphragms.
   - Metal-plate-connected wood trusses spanning 60 feet or greater.
6. Soils. See Table.
7. Driven deep foundations/Cast-in-place deep foundations/ Helical pile foundations See Tables.
8. Special inspections for wind resistance - Seismic Design Category C, D, E or F
   - Structural wood.
   - Cold-formed steel light-frame construction.
   - Wind-resisting components.
9. Special inspections for seismic resistance.
   - Structural steel.
   - Structural wood.
   - Cold-formed steel light-frame construction.
   - Designated seismic systems.
   - Architectural components - Seismic Design Category D, E or F
     - Access floors - Seismic Design Category D, E or F
   - Mechanical and electrical components - Seismic Design Category C, D, E or F
   - Storage racks - Seismic Design Category D, E or F
   - Seismic isolation systems.
10. Testing and qualification for seismic resistance.
    - Concrete reinforcement.
    - Structural steel.
    - Seismic certification of nonstructural components.
    - Seismic isolation systems.
11. Sprayed fire-resistant materials.
    - Physical and visual tests.
    - Structural member surface conditions.
    - Application.
• Thickness.
  ▪ Minimum allowable thickness.
  ▪ Floor, roof and wall assemblies.
  ▪ Cellular decks.
  ▪ Fluted decks.
  ▪ Structural members.
  ▪ Beams and girders.
  ▪ Joists and trusses.
  ▪ Wide-flanged columns.
  ▪ Hollow structural section and pipe columns.
• Density.
• Bond strength.
  ▪ Floor, roof and wall assemblies.
  ▪ Structural members.
  ▪ Primer, paint and encapsulant bond tests.
12. Mastic and intumescent fire-resistant coatings.
  ▪ Water-resistant barrier coating.
14. Fire-resistant penetrations and joints.
  ▪ Penetration firestops.
  ▪ Fire-resistant joint systems.
15. Special inspection for smoke control.
  ▪ Testing scope.
  ▪ Qualifications.
16. 17, 18 & 19. Special cases. Special inspections shall be required for proposed work that is, in the opinion of
the building official, unusual in its nature, such as, but not limited to, the following examples:
  ▪ Adhesive/expansion anchors or other special anchoring systems.
  ▪ Construction materials and systems that are alternatives to materials and systems prescribed by
this code.
  ▪ Unusual design applications of materials described in this code.
  ▪ Materials and systems required to be installed in accordance with additional manufacturer’s
instructions that prescribe requirements not contained in this code or in standards referenced by
this code.
  ▪ Mechanical, Electrical or Plumbing systems or components as required by the building official.
Nationwide Programmatic Agreement
Co-location Criteria Verification Form

Site Name: ADOT University
Business Unit Number: 822272
Site Address: 2245 E. University Dr Tempe, AZ 85281
Carrier Name: T-Mobile
Customer Site ID: PH10240E

Tower was built on or before 3/16/01? YES ☐ NO ☒

Criteria for Programmatic Agreement Eligibility for Towers Built on or before March 16, 2001

YES ☐ NO ☒ The mounting of the antenna will result in a substantial increase in the size of the tower.

YES ☐ NO ☒ The tower has been found by the FCC to have an adverse or potentially adverse effect that has not been resolved through an MOA or other mechanism.

YES ☐ NO ☒ The tower is the subject of a pending environmental review or proceeding before the FCC involving compliance with Section 106 of the NHPA.

YES ☐ NO ☒ The tower owner has received written or electronic notice from the FCC that the FCC is in receipt of a complaint from a member of the public, SHPO or the Council that the co-location has an adverse effect on one or more historic properties.

Criteria for Programmatic Agreement Eligibility for Towers Built after March 16, 2001

YES ☐ NO ☒ No Section 106 review (SHPO review) or any associated environmental (NEPA) review required by the FCC has been completed for this tower.

YES ☐ NO ☒ The mounting of the antenna will result in a substantial increase in the size of the tower.\(^1\)

YES ☐ NO ☒ The tower is the subject of a pending environmental review or proceeding before the FCC involving compliance with Section 106 of the NHPA.

YES ☐ NO ☒ The tower owner has received written or electronic notice from the FCC that the FCC is in receipt of a complaint from a member of the public, SHPO or the Council that the co-location has an adverse effect on one or more historic properties.

If any of the above answers are “YES,” consultation with the SHPO is required prior to placement of the antenna on the tower.

Approved By: Nicole Larsen 6/23/2018

A COPY OF THIS COMPLETED FORM MUST BE PROVIDED TO THE CARRIER AND TO THE CROWN CASTLE REGULATORY DEPARTMENT.

\(^1\) Substantial increase in size of the tower means: 1) an increase in the tower height of more than 10% or by the height of one antenna array with a separation distance from the nearest existing array not to exceed 20 feet, whichever is greater; 2) the installation of more than 4 new equipment cabinets or more than 1 new equipment building; 3) the addition of an appurtenance that would protrude from the edge of the tower more than 20 feet or more than the width of the tower at the level of the appurtenance, whichever is greater; or 4) the mounting of the antenna would involve excavation outside the current boundaries of the site and any access or utility easements currently related to the site.
January 3, 2019

City of Tempe | Planning Department
31 E. Fifth Street | Tempe, AZ 85280

RE: ZUP Use Permit
BU# 822272 - ADOT University – ADOT (Property Owner)
2245 E. University Dr., Tempe, AZ 85281

To Whom It May Concern,

Crown Castle is requesting your approval to amend the original zoning conditions (ZUP #06056) prescribed to the cellular tower site on University Dr. The project goal of the proposed Crown Castle site # 822272 (ADOT UNIVERISTY) is to continue providing the existing carrier (T-Mobile) the location and the opportunity to upgrade equipment without interruption or loss of coverage due to landscaping conditions prescribed. At this point, T-Mobile is unable to upgrade the existing antennas currently on the tower due to the current landscaping stipulation, which is keeping them from providing coverage in the location.

The initial application submitted by T-Mobile in 2006 to build the tower, contained misinformation regarding the lease area. The initial application submitted in 2006 for the installation of the cell tower erroneously displayed the entire parcel as the lease area, when in fact the lease area was, and still is 660 sq. ft. T-Mobile nor Crown can obtain rights at this time outside this area to accommodate the landscape requirement. The current lease area is not sufficient to accommodate (2) twenty foot brown trunk Phoenix Date Palm trees and a 24” box Chilean Mesquite tree.

Crown Castle has made a good faith effort to rectify the outstanding zoning conditions as outlined and approved during the November 11, 2006 hearing. In addition, there was never any irrigation equipment installed at this site. Crown Castle made an additional request to ADOT to obtain a utility easement to bring in the irrigation to the site. ADOT has denied our request and did not grant the easement.

The WCF does not contribute to an increase in pedestrian or vehicular traffic in the area. There is no visible negative impact. One vehicle may access the wireless communication facility approximately once or twice a month, or in the event of a technical breakdown. This vehicle will use the existing access and parking at the site.

The WCF is unmanned and does not require any water, or solid waste services. There are no negatives to the existence of this WCF operating at the current location.

Please do not hesitate to contact me for any additional information or clarification at 602-845-1704 or at sally.natalino@crowncastle.com.

Best Regards,

Sally Natalino
Real Estate Specialist
Site Address:
2245 E. University Dr.
Tempe, AZ 85281
Site Address: 2245 E. University Dr. Tempe, AZ 85281
Site Address:
2245 E. University Dr.
Tempe, AZ 85281
EXISTING: POSITION B

Site Address:
2245 E. University Dr.
Tempe, AZ 85281
Site Address:
2245 E. University Dr.
Tempe, AZ 85281
EXISTING: POSITION C

Site Address:
2245 E. University Dr.
Tempe, AZ 85281
PROPOSED: POSITION C

Site Address:
2245 E. University Dr.
Tempe, AZ 85281
January 11, 2019

Shawn Daffara  
Sr. Planner/Inspector  
City of Tempe: Community Development Department  
31 E. Fifth Street  
Tempe, Arizona 85281  
Shawn_Daffara@Tempe.gov

Subject: Cell Site University Drive and SR101 Price Freeway

Mr. Daffara:

Thank you and your team for meeting with us last week to discuss the issues related to a Use Permit granted to Crown Castle/T-Mobile at the above-referenced site.

As my staff and I explained last week, Arizona Revised Statutes and State Transportation Board guidelines generally dictate ADOT’s maintenance and leasing practices within state-owned right-of-way. This same set of rules determines how we might eventually sell or otherwise dispose of state-owned land that is no longer needed for a transportation purpose. Given these constraints, we hope that you will understand our concerns.

With regards to the subject property, we are in the process of determining whether the balance of the property on which the current cell site is leased can be sold. Central to the discussions was ADOT maintaining the leasehold area and selling the balance of the property. Concurrent with these internal discussions T-Mobile, through Crown Castle applied for approval of the City of Tempe to trade out equipment currently on the existing stealth monopalm with new 5G equipment for the purpose of providing enhanced wireless coverage to the surrounding area and the State Highway nearby.

During their inquiries with the City, it was determined that errors had been made when the wireless site first obtained its Use Permit. Central to the issue was representation and approval of landscaping on non-leased property. The proposed additional landscaping is not something ADOT approves on non-leased land specifically because it runs in conflict with State of Arizona gifting clauses in our governing Statutes.

During our discussions the City asked whether we would be willing to increase the leased area to accommodate additional landscaping. After reviewing this it may be possible to lease a small portion of our property directly to the west of the leased area for potential future collocation. However, to lease any other additional property on the site has the potential to destroy the viability of selling the remainder property for future development, which is not in the best interests of the State, nor the City.

Based on the information and interactions related above, we wish to express our support for the Lessee’s Use Permit to be revisited by the City, with the landscape provisions removed.

Sincerely,

Michael Craig  
Manager  
Right of Way Property Management
Thank you for your notice for the above-referenced development. ADOT is neutral on zoning matters. As such, ADOT has no comment.

Please feel free to contact me should you have any further questions. We appreciate the opportunity to review and comment.
2425 E UNIVERSITY DR
Approximately 1100 ft east of the ADOT University site, 2018
2425 E University Dr
Approximately 1100 ft
East of the ADOT
University site, 2015
T-Mobile Towercom RiaZZi (PL180092) will be the second monopalm facility on this property. The existing monopalm stands 65 feet tall (top-of-frond) and is located directly north of the proposed monopalm. It was approved by the Hearing Officer on September 15, 2009. Staff recommended installation of new Mexican Fan Palms to help conceal the monopalm.

Public Input
One email in opposition has been received by staff.

Use Permit
According to Section 3-421, Wireless Telecommunication Facilities of the Zoning & Development Code, wireless telecommunication towers and related equipment facilities shall be allowed upon approval with a use permit.

Section 6-308 E Approval criteria for Use Permit (in italics):

1. *Any significant increase in vehicular or pedestrian traffic*; the new facility will not generate any traffic other than routine maintenance or events of a technical breakdown.

2. *Nuisance arising from the emission of odor, dust, gas, noise, vibration, smoke, heat or glare at a level exceeding that of ambient conditions*; the nature of this use will not emit emissions at a level exceeding ambient conditions.

3. *Contribution to the deterioration of the neighborhood or to the downgrading of property values, which is in conflict with the goals, objectives or policies for rehabilitation, redevelopment or conservation as set forth in the city's adopted plans or General Plan*; wireless communication facilities are permitted with a use permit by the Zoning & Development Code and consistent with the City’s adopted plans and General Plan.

4. *Compatibility with existing surrounding structures and uses*; palm trees of similar height currently exist along South Mill Avenue and another monopalm facility exists on the same property. The applicant will provide four (4), 24-inch box Mexican Fan Palms with this project to help the facility blend in with the area.

5. *Adequate control of disruptive behavior both inside and outside the premises which may create a nuisance to the surrounding area or general public*; the proposed facility will be unmanned and will therefore will not contribute to any disruptive behavior or create any nuisance to the surrounding area.

Reasons for Approval:
Based on the information provided by the applicant, the public input received and the above analysis staff supports approval of the requested Use Permit. This request meets the required criteria and will conform to the conditions.

Should an Affirmative Action be Taken on This Request, the Following Numbered Conditions of Approval Shall Apply, but May Be Amended by the Decision-Making Body.

Condition(s) of Approval:

1. The Use Permit is valid only after a Building Permit has been obtained and the required inspections have been completed and a Final Inspection has been passed. As part of the Building Permit process, on-site storm water retention may be required to be verified or accomplished on this Site.

2. The Use Permit is valid for the plans as submitted within this application. Any additions or modifications may be submitted for review during building plan check process.

3. All required Federal, State, County, and Municipal permits, licenses, and clearances shall be obtained or the Use Permit is void.

4. The monopalm shall be no greater than sixty-five feet (65'-0") in height to top of frond and fifty-five feet (55'-0") top of pole/structure.
5. The monopalm shall be anatomically correct and provide a minimum of fifty-five (55) palm fronds, evenly distributed to conceal the entire length of antennae and equipment.

6. The pole structure shall be cladded with faux bark from the base to the height of the first palm fond.

7. All antennae and equipment shall be finished to match palm fronds or faux bark.

8. All cables shall be concealed within the pole structure.

9. No climbing pegs are permitted on the pole structure.

10. To further conceal the monopalm, relocate and disburse the four (4) new Mexican Fan Palm trees along the perimeter of the equipment enclosure. All new palm trees shall be a minimum of 25 feet in height. Details to be approved during Building Safety Plan Review.

11. Maintain a minimum of 20 feet separation from the new shade tree to light post. Details to be approved during Building Safety Plan Review.

12. The proposed equipment enclosure shall be constructed of similar material and color to match the existing building. Details to be approved during Building Safety Plan Review.

13. A weather resistant emergency contact information sign shall be posted on the site and shall be visible to the public.

14. Any addition to the existing height or change in appearance of the monopalm, as determined by the Community Development Director, or designee, to facilitate possible co-location shall require a use permit.

15. The monopalm shall be removed within thirty (30) days of discontinuance of the tower.

CODE/ORDINANCE REQUIREMENTS:
THE BULLETED ITEMS REFER TO EXISTING CODE OR ORDINANCES THAT PLANNING STAFF OBSERVES ARE PERTINENT TO THIS CASE. THE BULLET ITEMS ARE INCLUDED TO ALERT THE DESIGN TEAM AND ASSIST IN OBTAINING A BUILDING PERMIT AND ARE NOT AN EXHAUSTIVE LIST.

- Specific requirements of the Zoning and Development Code (ZDC) are not listed as a condition of approval, but will apply to any application. To avoid unnecessary review time and reduce the potential for multiple plan check submittals, become familiar with the ZDC. Access the ZDC through http://www.tempe.gov/zoning or purchase from Development Services.

- SITE PLAN REVIEW: Verify all comments by all departments on each Preliminary Site Plan Review. If questions arise related to specific comments, they should be directed to the appropriate department, and any necessary modifications coordinated with all concerned parties, prior to application for building permit. Construction Documents submitted to the Building Safety Division will be reviewed by planning staff to ensure consistency with this Design Review approval prior to issuance of building permits

HISTORY & FACTS:
September 15, 2009 Hearing Officer approved Use Permit to allow a sixty-five (65) foot high monopalm for RIAZZI’S ITALIAN GARDEN – A. T. AND T. MOBILITY (PL090277), located at 2700 South Mill Avenue in the CSS, Commercial Shopping & Services District.

ZONING AND DEVELOPMENT CODE REFERENCE:
Section 3-202 Permitted Uses in Commercial and Mixed-Use Districts
Section 3-421 Wireless Telecommunication Facilities
Section 6-308 Use Permit
COMMENTS
Verizon is proposing to address a coverage gap in the Verizon network voice and data coverage via a new telecommunications facility. The new wireless telecommunication facility will be disguised as a faux palm tree (monopalm) and will be located near existing mature trees and palms which will help buffer the visual impact of the facility. In addition, Verizon is proposing to install new landscaping around the perimeter of the site and equipment area.

The applicants Feasibility Study consisted of two (2) possible co-location sites for the proposed Wireless Telecommunication Facility; American Tower at 1414 W Broadway Rd and Crown Castle at 1910 S Priest Rd. Both sites rejected Verizon’s proposal due to a lack of compatibility with their existing equipment.

PUBLIC INPUT
To date, staff has not received any public input.

USE PERMIT
According to Section 3-421, Wireless Telecommunication Facilities of the Zoning & Development Code, wireless telecommunication towers and related equipment facilities shall be allowed upon approval with a use permit.

Section 6-308 E Approval criteria for Use Permit (in italics):

1. Any significant increase in vehicular or pedestrian traffic; the new facility will not generate any traffic other than routine maintenance or events of a technical breakdown.

2. Nuisance arising from the emission of odor, dust, gas, noise, vibration, smoke, heat or glare at a level exceeding that of ambient conditions; the nature of this use will not emit emissions at a level exceeding ambient conditions.

3. Contribution to the deterioration of the neighborhood or to the downgrading of property values, which is in conflict with the goals, objectives or policies for rehabilitation, redevelopment or conservation as set forth in the city’s adopted plans or General Plan; wireless communication facilities are permitted with a Use Permit by the Zoning & Development Code and consistent with the City’s adopted plans and General Plan.

4. Compatibility with existing surrounding structures and uses; Similar palm trees exist within the area and the applicant will provide four (4), 25’ high Mexican Fan Palms and one (1) 24” box Thorn-less Palo Verde to help blend this project with the surrounding area.

5. Adequate control of disruptive behavior both inside and outside the premises which may create a nuisance to the surrounding area or general public; the proposed facility will be unmanned and will therefore will not contribute to any disruptive behavior or create any nuisance to the surrounding area.

REASONS FOR APPROVAL:
Based on the information provided by the applicant, the public input received and the above analysis staff supports approval of the requested Use Permit. This request meets the required criteria and will conform to the conditions.

SHOULD AN AFFIRMATIVE ACTION BE TAKEN ON THIS REQUEST, THE FOLLOWING NUMBERED CONDITIONS OF APPROVAL SHALL APPLY, BUT MAY BE AMENDED BY THE DECISION-MAKING BODY.

CONDITION(S) OF APPROVAL:

1. The Use Permit is valid only after a Building Permit has been obtained and the required inspections have been completed and a Final Inspection has been passed. As part of the Building Permit process, on-site storm water retention may be required to be verified or accomplished on this Site.

2. The Use Permit is valid for the plans as submitted within this application. Any additions or modifications may be submitted for review during building plan check process.
COMMENTS
On August 4, 2015 the Hearing Officer approved a use permit to allow a 75-foot-tall wireless communications facility (monopine) for VERIZON WIRELESS – PHO STAR WOMAN / SUN STATE TOWERS – HANCOCK AZ01-013 (PL150279) at the subject site. However, the project never reached construction and the use permit approval eventually expired. Therefore, a new use permit is required.

In addition to constructing the new monopine and equipment enclosure, the site requires modifications to maintain proper site circulation for fire and refuse vehicles while conforming to the development standards required by the Zoning & Development Code. The site modifications include relocating the refuse enclosure, widening the north drive aisle, shifting parking lot landscape islands, and extending landscape areas. Landscape work is also required to aid in concealing the monopine facility. This work includes installation of the pine trees along the street front and landscape buffer as well as installation of trees and ground cover in the relocated landscape islands.

PUBLIC INPUT
To date, one (1) phone call in opposition was received by neighbor who lives directly behind the site. He believes Verizon already provides adequate service in this area and does not believe a new tower is necessary. He also added that visually speaking, the tower is too close to his property and nothing taller than the utility poles should be allowed.

At the March 6, 2018 Hearing Officer public hearing, three members from the adjacent neighborhood, including the Chair of the Cavalier Hills Neighborhood Association and a retired planner from the City, spoke in opposition to the use permit request. The consensus was that the proposed location of the monopine is too close to residential lots and would be aesthetically unpleasing to nearby homes. Nevertheless, they can support the project if the proposed monopine was setback to an equal or greater rear setback distance than what was originally approved at the August 4, 2015 Hearing Officer.

USE PERMIT
According to Section 3-421, Wireless Telecommunication Facilities of the Zoning & Development Code, wireless telecommunication towers and related equipment facilities shall be allowed upon approval with a use permit.

Section 6-308 E Approval criteria for Use Permit (in italics):

1. Any significant increase in vehicular or pedestrian traffic; the new facility will not generate any traffic other than routine maintenance or events of a technical breakdown.

2. Nuisance arising from the emission of odor, dust, gas, noise, vibration, smoke, heat or glare at a level exceeding that of ambient conditions; the nature of this use will not emit emissions at a level exceeding ambient conditions.

3. Contribution to the deterioration of the neighborhood or to the downgrading of property values, which is in conflict with the goals, objectives or policies for rehabilitation, redevelopment or conservation as set forth in the city’s adopted plans or General Plan; wireless communication facilities are permitted with a use permit by the Zoning & Development Code and consistent with the City’s adopted plans and General Plan.

4. Compatibility with existing surrounding structures and uses; new pine trees will be provided in the landscape areas at the rear and street frontages. Other stealth facilities exist in the general area.

5. Adequate control of disruptive behavior both inside and outside the premises which may create a nuisance to the surrounding area or general public; the proposed facility will be unmanned and will therefore will not contribute to any disruptive behavior or create any nuisance to the surrounding area.

REASONS FOR APPROVAL:
Based on the information provided by the applicant, the public input received, and the above analysis, staff recommends approval of the requested Use Permit. This request meets the required criteria and will conform to the conditions.

SHOULD AN AFFIRMATIVE ACTION BE TAKEN ON THIS REQUEST, THE FOLLOWING NUMBERED CONDITIONS OF APPROVAL SHALL APPLY, BUT MAY BE AMENDED BY THE DECISION-MAKING BODY.
CONDITION(S) OF APPROVAL:

1. This Use Permit is valid only after a Building Permit has been obtained and the required inspections have been completed and a Final Inspection has been passed. As part of the Building Permit process, on-site storm water retention may be required to be verified or accomplished on this Site.

2. The Use Permit is valid for the plans as submitted within this application. Any additions or modifications may be submitted for review during building plan check process.

3. All required Federal, State, County and Municipal permits, licenses, and clearances shall be obtained or the Use Permit is void.

4. The monopine shall be no greater than seventy-five feet (75'-0") in height (top of antenna/tower structure).

5. The monopine shall provide a density of four branches per linear foot with variations of length to closely match the foliage and canopy of a natural pine tree. Details to be reviewed and approved during building plan check process.

6. The proposed equipment cabinet shall be constructed of similar material and color to match the existing building.

7. The proposed monopine shall maintain a twenty-foot (20'-0") separation from any existing tree.

8. A weather resistant emergency contact information sign shall be posted on the site and shall be visible to the public.

9. In addition to the proposed pine trees within the landscape buffer, provide three (3) 36-inch box pine trees within the new landscape area east of the monopine as well as three (3) 36-inch box pine trees within the East Hancock Avenue street frontage landscape area. Details to be reviewed and approved during building plan check process.

10. All required site modifications to accommodate the installation of the monopine shall comply with all applicable development standards set forth in the Zoning & Development Code. Details to be reviewed and approved during building plan check process.

CODE/ORDINANCE REQUIREMENTS:

THE BULLETED ITEMS REFER TO EXISTING CODE OR ORDINANCES THAT PLANNING STAFF OBSERVES ARE PERTINENT TO THIS CASE. THE BULLET ITEMS ARE INCLUDED TO ALERT THE DESIGN TEAM AND ASSIST IN OBTAINING A BUILDING PERMIT AND ARE NOT AN EXHAUSTIVE LIST.

- Specific requirements of the Zoning and Development Code (ZDC) are not listed as a condition of approval, but will apply to any application. To avoid unnecessary review time and reduce the potential for multiple plan check submittals, become familiar with the ZDC. Access the ZDC through http://www.tempe.gov/zoning or purchase from Development Services.

- SITE PLAN REVIEW: Verify all comments by all departments on each Preliminary Site Plan Review. If questions arise related to specific comments, they should be directed to the appropriate department, and any necessary modifications coordinated with all concerned parties, prior to application for building permit. Construction Documents submitted to the Building Safety Division will be reviewed by planning staff to ensure consistency with this Design Review approval prior to issuance of building permits.

- Any intensification or expansion of use, including co-location of additional antennas, will require a new use permit.

- The wireless device shall be removed within 30 days of discontinuance of use.