

SPECIAL USE PERMIT
MESA BOARD OF ADJUSTMENTS
November 20, 2020

1. Proposal Summary Information

Crown Castle Site:	BLM McLellan
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Prepared for:	Crown Castle 2055 S Stearman Dr Chandler AZ 85285
Property Owner:	Bureau of Land Management 21605 N. 7 th Ave Phoenix AZ 85027 APN: N/A
Request:	Special Use Permit Wireless Communication Facility Board of Adjustments
Site Location:	SR202 and McLellan Rd(alignment)
Legal Description:	A portion of the South half of the Northeast Quarter of Section 8, Township 1 North, Range 7 East of the G&SRBM, Pima County, AZ
APN#:	Not Assigned, BLM lands
Zoning:	No Zoning District assigned

2. Introduction

Crown Castle, a wireless communications infrastructure company operating in the City of Tucson, AZ, owns and operates the Wireless Communications Facility located at 7750 E. Brown Rd ("Existing Site"). The Existing Site accommodates AT&T Wireless, T-Mobile Wireless and Sprint. These carriers have provided wireless communications coverage in the area for the last 20 years. The site was approved by the City and built in the early 2000's.

Crown Castle is one of the largest providers of shared communications infrastructure in the United States, with approximately 40,000 cell towers comprising approximately 91,000 installations. Crown Castle's extensive infrastructure serves as the backbone of the nation's communication network. The Existing Site is a critical component of that network, will provide Network continuity for the public interest, continuing 911-call service and long-term stability for T-Mobile current service levels in the City.

3. Project Goals

The goal of this application is to maintain continued coverage of this area by the proposed wireless facility. The existing lease with the school will soon expire and the Applicant is requested to relocate the Existing Site to the Proposed Site ("BLM McLellan") located near SR202 and McLellan Rd(alignment). This relocation will allow the existing carriers, (AT&T, T-Mobile & Sprint), Proposed Site to provide continued wireless services to the community for emergency services, business, and personal use.

Existing Site



This proposal describes the scope of the proposed project by providing specific information regarding the project location, zoning, specifications, in relation to the City of Mesa code requirements pertaining to Wireless Communications Facilities (WCF).

It is Crown's desire to work with the City to ensure that the project is consistent with the City's development guidelines and its surroundings while maintaining the existing wireless communications coverage that is critical for emergency, business, and personal use.

4. Request

This application submittal anticipates that the following formal request be made to the City of Mesa

Special Use Permit, Board of Adjustments

5. Project/Site Description

The Proposed Site will be relocating from the Existing Site at 7750 E Brown Rd. The lease for the current WCF is expiring soon and a new permanent site is needed to ensure AT&T, T-Mobile & Sprint can continue to deliver their high speed wireless broadband services to their customers in this area. Crown Castle is proposing to relocate the current site approx 2,600' to the east of the Existing Site.

The location of the Proposed Site is near the existing WCF location as there is minimal flexibility when relocating existing communication sites because they are "tied" to their neighboring communication sites as part of a network. The proposed location will allow for the carrier to closely mimic their current network coverages without major impact to service levels and quality and avoiding the creation of new coverage gaps.

Proposed Site Aerial with Existing Site Identified



The Proposed Site is just north of the McLellan Rd (alignment)., and will be set to the north side of the McLellan Rd alignment, north of the existing City of Mesa utility facility. Crown Castle desires to construct a new 80' monoelm , at planning staff's recommendation, with AT&T, T-Mobile & Sprint as the tenants to provide continued service to the community and provide co-locations, at this north east Mesa location.

Crown proposes to construct a new 80' monoelm tree within the new 2500 sq. ft. secured equipment compound. The proposed monoelm can accommodate up to three carriers to provide wireless services to the area for emergency, business and personal use.

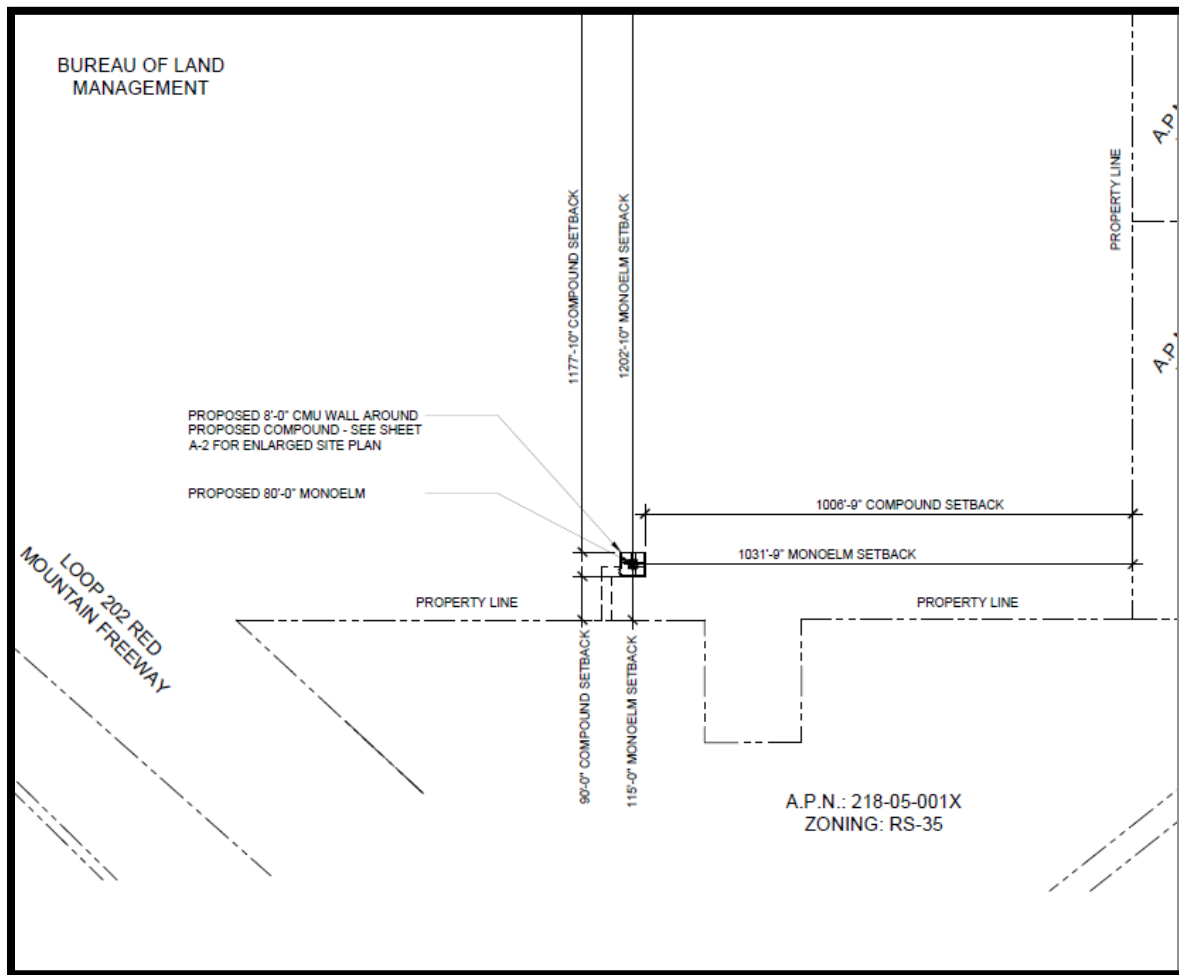
Proposed Site w/ the monoelm



The proposed new monoelm meets the City of Mesa Parks & Recreation guidelines for wireless communication facilities within City Parks. Crown is proposing to build a wireless equipment compound at this site to house the carrier equipment and secure it from public access. The walled compound will be designed to match the color and design of the nearby City of Mesa utility facility building. Typically, each carrier/customer has its own shelter/cabinet as well as their own electric meter and fiber source in the compound.

The proposed Crown Castle multi-carrier site was presented at the November 18, 2020 City of Mesa Parks & Recreation Board for review, discussion and determination. The Parks Board unanimously approved the site location and design. The Parks Bd approval/consent has been relayed to the Bureau of Land Management per the BLM request.

Proposed WCF Location



The proposed structure will follow all City building codes and design standards as directed by the Building Safety Department.

Project Data Table

Site Development Regulations	Existing	Proposed
Current Height	80'	80'
Setbacks	N/A	N/A
Setback non-residential	NSR202 E-SR202, S-PS: 380',	N: @ 1,000', S: N/A, E: @ 1,000', W: N/A
Setback from residential	W: RS-7: 180'	@ 1,000' East
Landscape	N/A	N/A

6. Site Justification

A. **Least Intrusive Means to Fill a Significant Gap in Coverage.**

Section 332(c)(7)(B)(i)(II) of the Federal Telecom Act bars local governmental decisions from precluding the provision of wireless services:

The regulation of the placement, construction, and modification of personal wireless service facilities by any State or Local government or instrumentality thereof—

(II) shall not prohibit or have the effect of prohibiting the provision of personal wireless services.

The search area in which a site can be relocated is limited because each site is a link in a chain of sites and cannot move very far in any direction once the network has been established. Moving too far one way or another would cause interference or create a gap in coverage. Below is a map generated to guide the search for the least intrusive candidate in an acceptable range for a replacement tower to match the coverage of the old tower.

Within this search area, properties were either improperly zoned for the proposed use, lacked available physical space or landlords were not interested in entering into an agreement with Crown Castle at this time. Below, two acceptable candidate sites were identified in the area search ring. Crown Castle chose Candidate “B” as the carrier’s RF Engineers determined the location to provide the networks coverage that was equal to or better than the existing facility.

1. Candidate A –. 8137 E Brown Rd, ADOT parcel
2. Candidate B –. SR202 & McLellan Rd (alignment), BLM

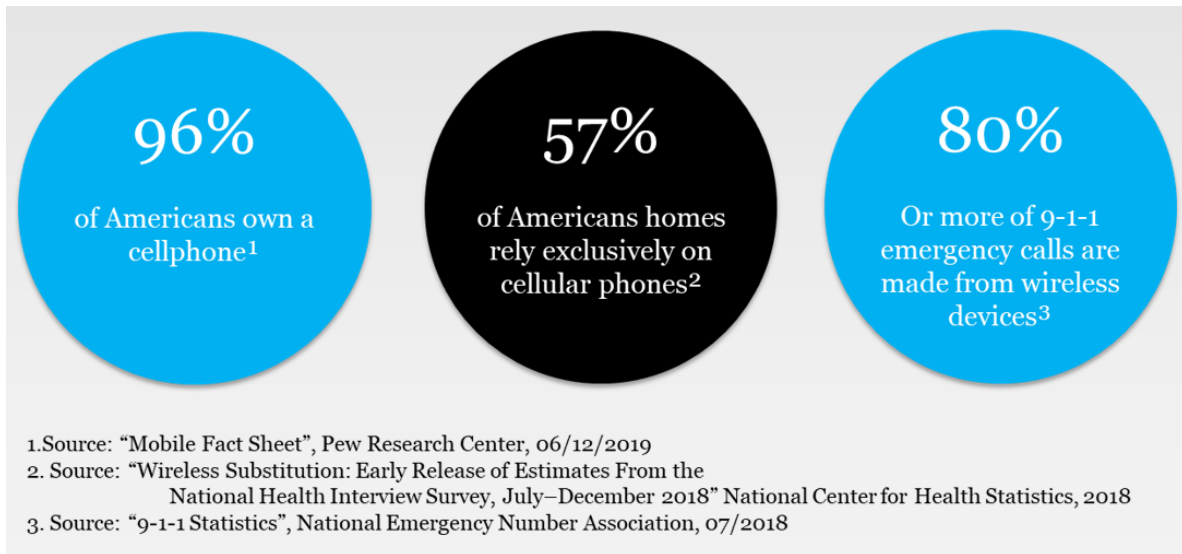


Antenna Search Ring

The search ring map above shows that a large majority of the area is either residential or undeveloped lands owned by the Bureau of Land Management and the City of Mesa. – Candidate “A” fell outside of carries search ring. Candidate “B” was determined to work from a zoning perspective and carrier perspective, and therefore the applicant has entered into lease discussions with the BLM for the new facility at this location. Candidate B does not have any residential zoning within 1,000’.

Wireless telecommunications are the primary mode of communication for Americans in the twenty-first century. That fact is amply demonstrated by the latest surveys in the industry, which reveal that over 50 percent of American homes rely solely on wireless devices. Over 90% of households have at least one mobile phone. In a recent report, the “National 911 Program,” which is an office housed within the National Highway Traffic Safety Administration, found that “80 percent of consumers are using cellular phones to make 911 calls.” Wireless communications are a critical part of a community’s health, safety and welfare. Below is a depiction of the statistics of wireless devices usage.

Wireless Fact Sheet



Existing Coverage – Map

The above comparison map shows the Existing and Proposed Sites, along with the coverage. The coverage is relatively the same and would maintain the existing coverage in the service area. The green colors on the maps indicate coverage at or above the serviceable standards for indoor coverage of the carrier. The yellow indicates outside coverage, while the orange/red indicates sub-par coverage for the carrier network.

7. Zoning

The Proposed Site is in the City of Mesa jurisdiction. The parcel does not have an assigned zoning district. The adjacent lands are zoned RS-35 and RS-15

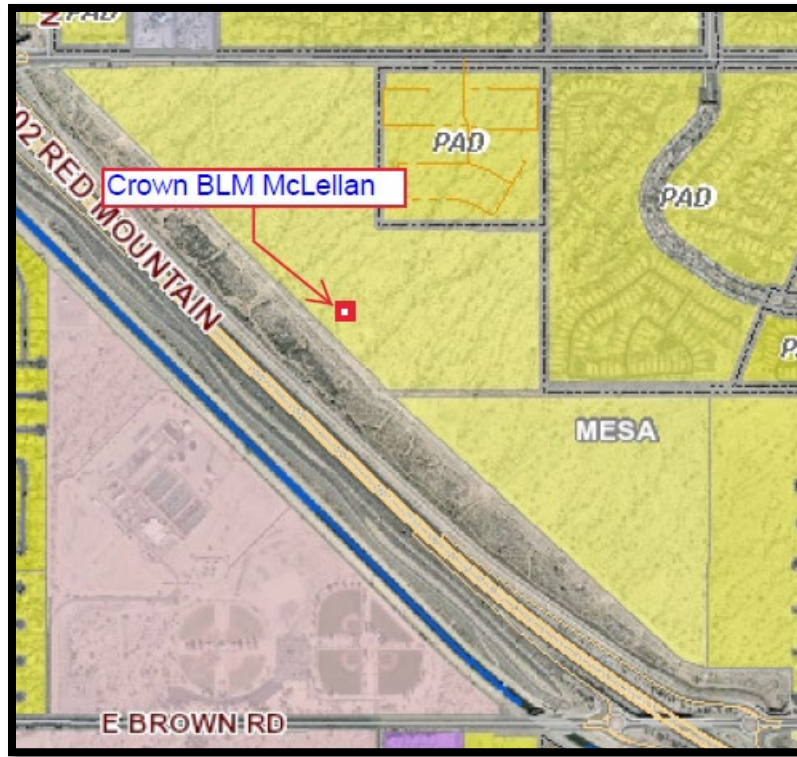
Zoning Project Data Table

Direction	Existing Zoning	Existing Use
Site	Not Assigned	Undeveloped desert
North	RS-15	Vacant planned residential
East	RS-35	Developed residential
South	RS-35	Undeveloped desert land
West	PS	SR202 & City park

Distance from surrounding Residential

Direction	Distance	Existing Use
North	1,000'	RS-35
East	1,000'	RS-15
South	550'	R1-6
West	N/A	

Mesa Zoning Map



8. Analysis of Federal Law

1. Federal Telecommunications Act of 1996

In addition to local and state law, this application is governed by the federal Communications Act, 47 U.S.C. § 332(c)(7)(B). In the Telecommunications Act of 1996, Pub. L. No 104-104, 110 Stat. 56 (“Telecom Act”) Congress added Section 332(c)(7)(B), which provides rights to wireless service providers and establishes limitations upon state and local zoning authorities with respect to applications for permits to construct wireless service facilities. The express purpose of the Act is “to promote competition and reduce regulation in order to secure lower prices and higher quality services for American telecommunications consumers.” Pub. L. No. 104-104, 110 Stat. 56, 56 (1996); see also *City of Rancho Palos Verdes v. Abrams*, 544 U.S. 113, 115 (2005). It also is intended to “encourage the rapid deployment of new telecommunications technologies.” *Id.*; see also H.R. Conf. Rep. No. 104-458, at 113 (1996) (purpose of the 1996 Act is “to provide for a pro-competitive, deregulatory national policy framework designed to

accelerate rapidly private sector deployment of advanced telecommunications and information technologies and services . . . by opening all telecommunications markets to competition”).

Recognizing that wireless service can bring enormous benefits to communities and can boost jobs and economic productivity, this important law and subsequent regulations applicable to wireless facilities, were enacted to remove impediments to and promote the rapid deployment of wireless technology on a national basis.

The applicable limitations and directives include the following:

- (a) State and local governments may not unreasonably discriminate among providers of functionally equivalent services (§332(c)(7)(B)(i)(I)).
- (b) State and local governments may not regulate the placement, construction or modification of wireless service facilities in a manner that prohibits, or has the effect of prohibiting, the provision of personal wireless services (better known as the “effective prohibition clause”) (§332(c)(7)(B)(i)(II)).
- (c) State and local governments must act on requests for authorization to construct or modify wireless service facilities within a reasonable period of time (§332(c)(7)(B)(ii)).
- (d) Any decision by a state or local government to deny a request for construction or modification of personal wireless service facilities must be in writing and supported by substantial evidence contained in a written record (§332(c)(7)(B)(iii)).
- (e) Finally, no state or local government or instrumentality thereof may regulate the placement, construction or modification of personal wireless service facilities on the basis of the perceived environmental effects of radio frequency emissions to the extent that such facilities comply with federal communications commission’s regulations concerning such emissions (§332(c)(7)(B)(iv)). See Proof of FCC Compliance attached as Exhibit 1.

Rapid deployment of wireless facilities is an important national issue, especially given the trend of Americans eliminating traditional landline service in favor of wireless communications. The Center for Disease Control and Prevention (“CDC”) tracks “wireless substitution” rates as part of its National Health Interview Survey and publishes the findings every six months in its Wireless Substitution reports. The most recent report, issued in December of 2019, estimates that more than one-half (57%) of American homes have only wireless phones.

Reliable and robust wireless communication is essential, especially considering over half of Americans and Coloradans do not have a landline and rely on wireless service to conduct personal and business communications, to access the internet or to reach emergency responders. Ensuring access in the event of an emergency is critical be it communications between emergency service personnel or for people calling for help.

9. Conclusion

Crown Castle is seeking approval for the Special Use Permit WCF within the BLM/City of Mesa passive park property. By approving this application for the Proposed Site within City Mesa jurisdiction. Crown has

designed the monoelm to be consistent with development code and the uses, as set forth in the Parks & Recreation WCF Guideline.

- The Proposed Site will not cause an adverse impact on adjacent property or properties in the area.
- The Proposed Site will not cause a significant increase in vehicular or pedestrian traffic in the adjacent areas.
- The Proposed Site will not cause the emission of odor, dust, gas, noise, vibration, smoke, heat or glare at a level exceeding ambient conditions.
- The Proposed Site will not contribute in a measurable way to the deterioration in the neighborhood or area or contribution to the lowering of property values.

10. **Attachments**

- Site map
- Zoning Drawings
- Photo-sims

On behalf of Crown Castle, I respectfully submit this package for your review and consideration. Upon completion of your review, please contact me if you have any questions and or need additional information.

Sincerely,

Michael J Campbell

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