

Conditional Use Permit Narrative

Submitted to the City of Chandler
Development Services Department
November 4, 2022, February 14, 2023

1. GENERAL INFORMATION

Applicant: Michael J Campbell
Campbell A&Z, LLC
602-616-8396

Site Address: 980 N Cooper Rd

APN: 302-84-925

Crown Castle Site: 823089

Property Owner: Cooper & Ray Enterprises, Inc

Zoning Classification: PAD

2. INTRODUCTION

Crown Castle, a wireless communications infrastructure company operating in the City of Chandler, AZ, owns and operates the wireless communications facility located at 980 N Cooper Rd ("Existing Site"). The Existing Site accommodates one commercial carrier and has provided wireless communications coverage in the area for the last 20 years.

Crown Castle has been part of the national community since 1994, possessing approximately 40,000 cell towers hosting approximately 91,000 carrier installations. Crown Castle's extensive infrastructure including fiber and small cells as well as towers, serves as the backbone of the nation's communication network. The Existing Site is a critical component of that network, providing continuity for the public interest, emergency 911-call services, and reliable long-term stability for wireless service in the community.

Crown invests heavily in the resources necessary to ensure quality, reliable wireless service for the area. In addition to its in-house legal team dedicated to addressing compliance matters, Crown also conducts annual safety inspections on all towers and employs a national operations center monitoring all critical systems 24 hours a day, 7 days a week, 365 days a year. In the event of an emergency, Crown is prepared with a national disaster recovery program on standby with the objective of maintaining wireless communications to the extent possible.

3. REQUEST

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

- 1) Approval of a Use Permit for a new “Stealth” Wireless Communication Facility, designed as a 70’ monoelm tree, developed for co-location.

4. PROJECT HISTORY/DESCRIPTION

The existing slimline flagpole currently houses T-Mobile. The site was approved by the City of Chandler in 2007. The slimline design wireless site was a viable means by which the carriers could provide network coverage in residential communities, The existing site has been a critical component in providing service along Cooper and Ray Roads and in the surrounding communities.

The existing site has many limitations from a structural standpoint, specifically for proposed and future upgrades for higher capacity and co-location options. The current trend in the wireless industry calls for enhanced antenna arrays that allow the carriers to maximize the network coverage to meet the demands of the consumers.

Crown Castle proposes to renovate/relocate the existing 65’ flagpole slim line pole into a new 70’ tall multi-carrier wireless communications facility monoelm and equipment compound on the property at 980 N Cooper Rd.

The proposed Crown WCF will consist of the following:

- Construction of a new 70’ multi-carrier monoelm
- Installation of antenna array at the 61’ level, future carrier rad centers at 51’ and 41’.
- Construction of a new 1,424 sqft equipment compound to house the carrier equipment cabinets.
- All associated cables will be placed inside the monoelm and not visible to the public.
- Installation of new electrical and telco service from the local service providers.
- Access to the WCF will be from the existing driveway to the retail building from Ray Rd.

Exhibit 1 (Existing Site)



980 N Cooper Rd

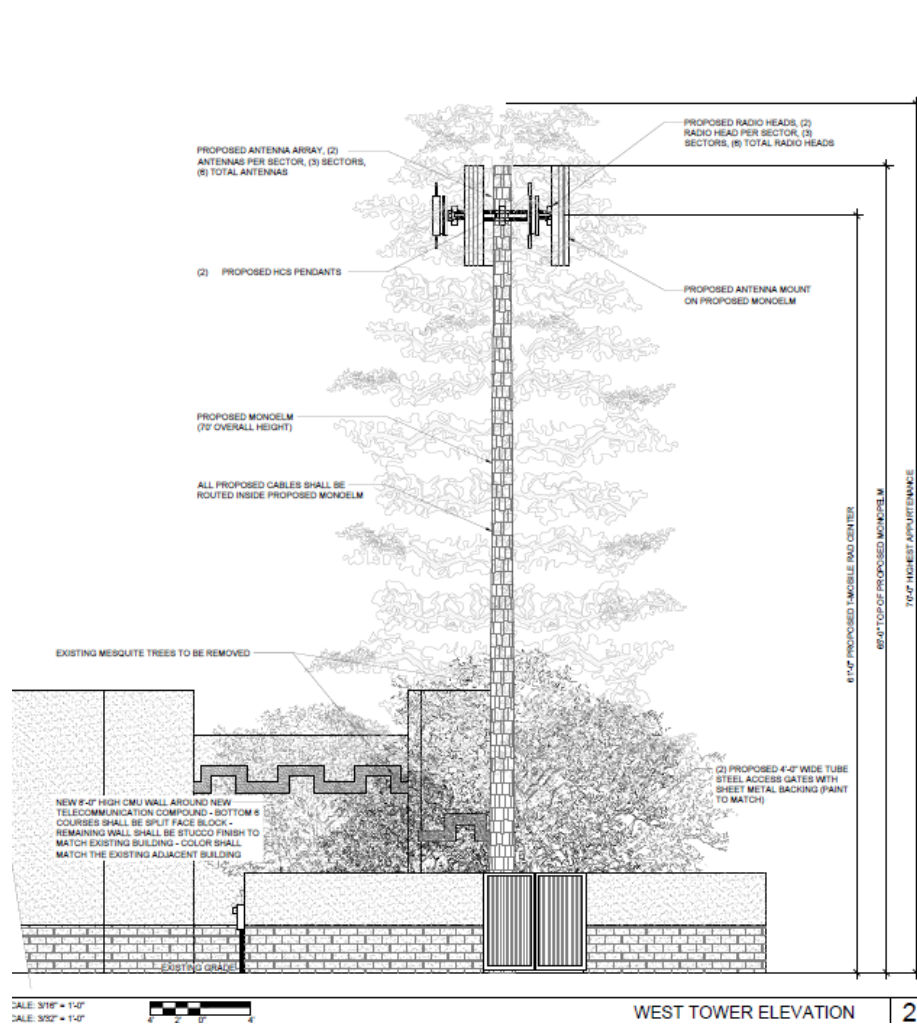
Exhibit 2 (Proposed Site)



CROWN 823089

Map





5. ZONING

The Proposed Relocation Sites is located in the PAD, zoning district in the City of Chandler. See zoning map below and the surrounding zoning and land use adjacent to the proposed relocation.

Exhibit 3 (Zoning)

Direction	Existing Zoning	Existing Use
Site	PAD	RETAIL
North	PAD	COMMERCIAL
East	SC-Gilbert	RETAIL/COMMERCIAL
South	PAD	RETAIL/COMMERCIAL
West	PAD	RETAIL/COMMERCIAL

AREA

The Monoelm location is adjacent to the intersection of Cooper & Ray Roads at one of the busiest intersections in the Southeast Valley. These two roads serve commuters through the area into the Chandler, Gilbert and Mesa communities. The neighborhoods immediately surrounding the intersection are all setback by commercially developed parcels that abut Cooper & Ray Roads.

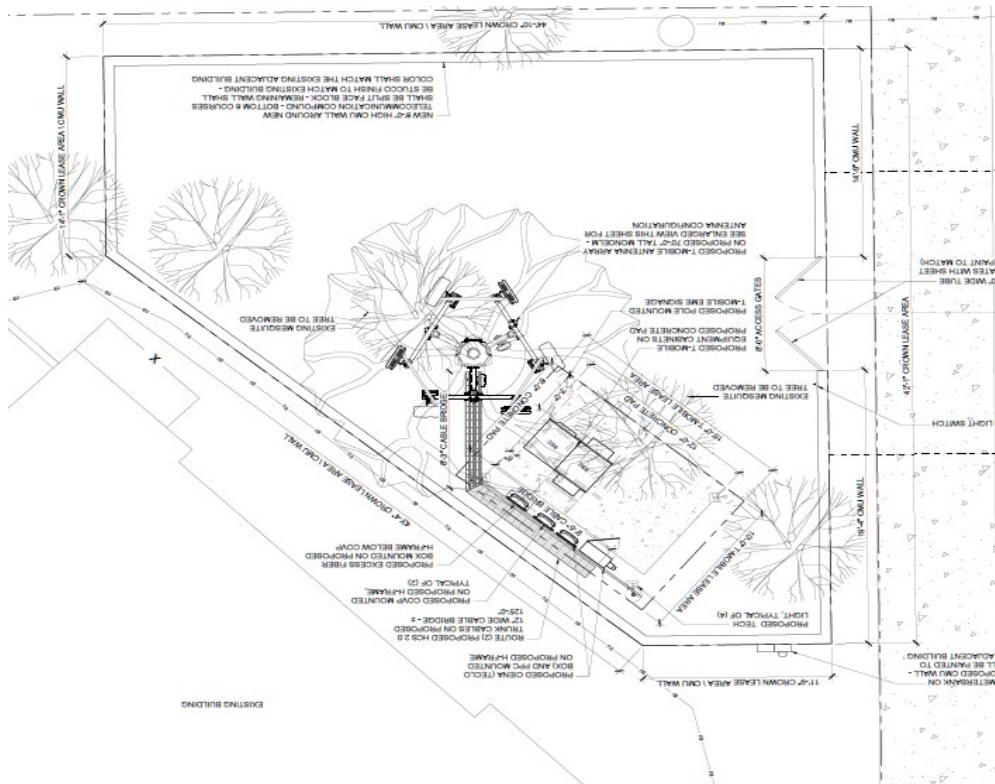
6. COVERAGE

The proposed 70' monoelm is necessary to preserve the coverage for the carrier to maintain their network integrity in this area. The design of the monoelm will allow for up to two additional commercial carriers set internally in the structure. The proposed site will continue the existing coverage by not creating coverage gaps within the network, while serving their respective customers and emergency service networks.

The proposed site will allow for the proposed wireless providers to upgrade existing equipment and to expand the technology within the area, which will allow for expanded service delivery to the surrounding customers. The existing structures that are placed on light poles, streetlights and flagpoles are limited in antenna capacity for the carriers. The current trend in the wireless industry calls for enhanced antenna arrays that allow the carriers to maximize the network coverage to meet the demands of the consumers.

The proposed monoelm design will blend into the existing trees along the back side of the car wash/gas station convenience store while expanding the antenna array design that allows enhanced network coverage. The existing flagpole adjacent to Ray Rd. will be decommissioned once the new facility is up and operational.

Exhibit 4 Proposed monoelm and equipment area



7. 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 Arizonans 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.

8. CONCLUSION

On behalf of Crown Castle, I respectfully submit this Use Permit Application Project Narrative for review and comments.

As stated, the applicant is requesting approval for a Use Permit for a new stealth wireless telecommunications facility and equipment compound at the proposed location. Due to the land use character of the community and the design elements presented, the proposed site is the least intrusive to the community, extends/improves the existing coverage and preserves the aesthetics while allowing a central location to fill in the significant coverage gap that would exist if the current sites went away. The proposed relocation site will help reduce the number of towers needed to serve the community within this service area.

Please contact me at 602-616-8396, or via email at campbellaz1@earthlink.net if you have any questions or need additional information

Sincerely,

Michael J Campbell

Michael J Campbell
Campbell A&Z, LLC
602-616-8396