



STAFF REPORT

HEARING DATE: February 6, 2019

REPORT DATE: January 30, 2019

TO: Planning Commission

FROM: Sierra Davis, Associate Planner

PROPOSAL: **T-Mobile Monopole Modification (ADJ2019-0001 / VAR2019-0001 / WF2018-0014)**

LOCATION: 12555 SW 22nd Street
Assessor's Map 1S121AD Tax Lot 12200

ZONING: R7 (Urban Standard Density)

SUMMARY: The applicant requests approval of the following land use applications for a T-Mobile wireless facilities site. A Wireless Facility Type One for modification of an existing wireless communication facility. A Major Modification application to exceed the height limit by 12 feet for a total height of 92 feet, where 80 feet is allowed. A Variance application to reduce the monopole setback to approximately 29 feet, where 97 feet is required. The required setback, from all property lines, for freestanding wireless monopoles, is a distance equal to the height of the tower plus five.

PROPERTY OWNER: Church of the Nazarene
12555 SW 22nd Street
Beaverton, OR, 97008

APPLICANT'S REPRESENTATIVE: Crown Castle
1505 Westlake Avenue N, Suite 800
Seattle, WA 98109

RECOMMENDATION: **APPROVAL of ADJ2019-0001 / VAR2019-0001 / WF2018-0014- T-Mobile Monopole Modification, subject to conditions identified at the end of this report.**

BACKGROUND FACTS

Key Application Dates:

Application	Submittal Date	Deemed Complete	60-Day*
VAR2019-0001	January 2, 2019	January 2, 2019	March 3, 2019
ADJ2019-0001	January 2, 2019	January 2, 2019	March 3, 2019
WF2018-0014	October 10, 2018**	January 2, 2019	February 25, 2019

* Pursuant to 47 CFR 1.40001(2), the City must approve an application for modification subject to Section 6409 within 60 days of the date on which an applicant submits a request seeking approval under Section 6409. The CFR also specifies that the “60-day period begins to run when the application is filed, and may be tolled only by mutual agreement or in cases where the reviewing State or local government determines that the application is incomplete.” 47 CFR 1.40001(3).

**Deemed incomplete on October 16, 2018.

Existing Conditions:

Zoning	R7 (Urban Standard Density)	
Current Development	Church / Wireless Facility	
Site Size	Approximately 7 acre	
NAC	Highland	
Surrounding Uses	<u>Zoning:</u> North: R7 South: R7 East: R2 West: R7	<u>Uses:</u> North: Church South: Residential East: Open Space / Residential West: Residential

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**ANALYSIS AND FINDINGS FOR
MAJOR ADJUSTMENT
T-MOBILE MONOPOLE MODIFICATION
ADJ2019-0001**

Section 40.10.05 Adjustment Purpose:

The purpose of an Adjustment application is to provide a mechanism by which certain regulations in the Development Code may be adjusted if the proposed development continues to meet the intended purpose of such regulations. This Section is carried out by the approval criteria listed herein.

Section 40.10.15.2.C Major Adjustment Approval Criteria:

In order to approve a Major Adjustment application, the decision making authority shall make findings of fact based on evidence provided by the applicant demonstrating that all the following criteria are satisfied:

1. *The proposal satisfies the threshold requirements for a Major Adjustment application.*

FINDING:

The applicant proposes a Major Adjustment application to increase the height of the monopole that meets the following threshold:

- 1. Involves an adjustment of more than 10% and up to and including 50% adjustment from the numerical Site Development Requirement specified in Chapter 20 (Land Uses). This threshold does not apply where credits have been earned for height increase through Habitat Friendly Development Practices, as described Section 60.12.40.4., .5., .6., and .7.*

An application for a Minor Adjustment was granted in 2012 to exceed the maximum height limit of 80 feet by eight-feet, or 10 percent of the total pole height, for a height of 88 feet. The applicant proposes a major modification of the height of the pole by increasing the height by four-feet, for a total height of 92-feet. The requested height increase is 15 percent over the maximum allowable height limit; therefore, the request requires a major modification. This request meets threshold 1 for a Major Adjustment identified in BDC Section 40.10.15.2.A.

Therefore, staff finds that the proposal meets the criterion for approval.

2. *The application complies with all applicable submittal requirements as specified in Section 50.25.1. and includes all applicable City application fees.*

FINDING:

The proposed project is an eligible facilities request and was deemed complete by the applicant upon submittal. When a project is a valid 6409 request, the application does not need to be complete to be approved as long as it addresses all of the federal requirements for an eligible facilities request. Due to federal law, the City does not have discretion to deny an application for an eligible facility request that meets all of the requirements under federal law. The applicant chose to forego the Beaverton Development Code pre-application meeting and neighborhood meeting because it is not required by federal law.

The applicant has paid the required fee associated with a Major Adjustment application.

Therefore, staff finds the criterion for approval is not applicable to this proposal because it conflicts with federal law.

3. *Special conditions or circumstances exist on the site that make it difficult or impossible to meet the applicable development standard for an otherwise acceptable proposal.*

FINDING:

While the request is for a major adjustment to increase the height of the monopole, this proposal is considered an “eligible facilities request” by the Federal Communication Commission (FCC), which restricts the city’s review of this proposal. Under Section 6409(a) of the Middle Class Tax Relief and Job Creation Act of 2012 (codified as 47 U.S.C. § 1455(a)), and its implementing rules found in the Code of Federal Regulations (CFR) 1.40001 et seq., the city must approve any “eligible facilities request” for a wireless facility or modification that does not cause a “substantial change” in a site’s physical dimensions.

Federal law defines an “eligible facilities request” as any request to modify any tower or facility that does not result in a substantial change to the tower or facility. Modifications include the collocation, removal or replacement of transmission equipment.

The City must approve an eligible facility request application unless there is a substantial change in:

- Height;
- Width;
- Additional equipment cabinets;
- Excavation or deployment outside the site area;
- Concealment; and
- Compliance with prior conditions.

The major adjustment is to increase the height of the existing tower. To be considered an eligible facility request, the height of the tower cannot increase by: 1) more than 10%, or 2) an additional 20 feet if the application is adding an additional antenna array, whichever is greater. The baseline for the height is measured from the overall height that existed

on February 22, 2012, when Section 6409 was enacted. The baseline height for the subject monopole is 80 feet because the approval for the increase was not completed until after the enactment date of February 2012. The height can be increased again because it is only raising the total height to 92 feet. The cumulative of all increases due to additional antenna arrays cannot be greater than 20 feet. In this case, the maximum height the tower can ever be is 100 feet.

The application provides for an increase to the height of the lawfully approved monopole from 88-feet to 92-feet; therefore, it is not considered a “substantial change”, and it must be approved under Section 6409. Due to federal law, the City does not have discretion to deny an application for an eligible facility request. Criterion No. 3 cannot be applied to this proposal because the criterion conflicts with federal law.

Therefore, staff finds the criterion for approval cannot be applied to this proposal because the criterion conflicts with federal law.

- 4. The special conditions or circumstances do not result from the actions of the applicant and such conditions and circumstances do not merely constitute financial hardship or inconvenience.***

FINDING:

Staff cites the findings in Criterion No. 3 as applicable to this criterion. Based on the conflict between federal law (47 U.S.C. § 1455(a)) and the Beaverton Development Code, Criterion No. 4 cannot be applied to this proposal.

Therefore, staff finds the criterion for approval cannot be applied to this proposal because it conflicts with federal law.

- 5. Granting the adjustment as part of the overall proposal will not obstruct pedestrian or vehicular movement.***

FINDING:

The existing wireless facilities are located in an enclosed fenced area and the footprint of the fenced area will not be modified with the proposed application. The existing location does not obstruct pedestrian or vehicular movement.

Therefore, staff finds the proposal meets the criterion for approval.

- 6. City designated significant trees and/or historic resources, if present, will be preserved.***

FINDING:

The site does not include any significant trees or historic resources.

Therefore, staff finds the proposal meets the criterion for approval.

- 7. *If more than one adjustment is being requested concurrently, the cumulative effect of the adjustments will result in a proposal which is still consistent with the overall purpose of the applicable zoning district.***

FINDING:

The Major Adjustment application to increase the height is being requested concurrently with a Variance application for reduced setbacks. The required setback, from all property lines, for freestanding wireless monopoles, is a distance equal to the height of the tower plus five-feet. The footprint of the existing monopole will not be modified, and it will maintain the existing setbacks. The increase in height is allowable because it is considered an “eligible facility request.” Staff cites the findings in Criterion No. 3 as applicable to this criterion. Based on the conflict between federal law (47 U.S.C. § 1455(a)) and the Beaverton Development Code, Criterion No. 7 cannot be applied to this proposal.

Therefore, staff finds the criterion for approval cannot be applied to this proposal because the criterion conflicts with federal law.

- 8. *Any adjustment granted shall be the minimum necessary to permit a reasonable use of land, buildings, and structures.***

FINDING:

Staff cites the findings in Criterion No. 3 as applicable to this criterion. Because it conflicts with the FCC regulations (47 U.S.C. § 1455(a)), Criterion No. 8 cannot be applied to this proposal.

Therefore, staff finds the criterion for approval cannot be applied to this proposal because the criterion conflicts with federal law.

- 9. *Either it can be demonstrated that the proposed modification equally or better meets the intent of the standard to be modified or the proposal incorporates building, structure, or site design features or some combination thereof that compensate for the requested adjustment.***

FINDING:

Staff cites the findings in Criterion No. 3 as applicable to this criterion. Based on the conflict between federal law (47 U.S.C. § 1455(a)) and the Beaverton Development Code, Criterion No. 9 cannot be applied to this proposal.

Therefore, staff finds the criterion for approval cannot be applied to this proposal because the criterion conflicts with federal law.

- 10. The proposal is consistent with all applicable provisions of Chapter 20 (Land Uses) unless applicable provisions are modified by means of one or more applications that already have been approved or are considered concurrently with the subject proposal.**

FINDING:

Staff cites the findings in Criterion No. 3 as applicable to this criterion. Based on the conflict between federal law (47 U.S.C. § 1455(a)) and the Beaverton Development Code, Criterion No. 10 cannot be applied to this proposal.

Therefore, staff finds the criterion for approval cannot be applied to this proposal because the criterion conflicts with federal law.

- 11. The proposal is consistent with all applicable provisions of Chapter 60 (Special Requirements) and that all improvements, dedications, or both required by the applicable provisions of Chapter 60 (Special Requirements) are provided or can be provided in rough proportion to the identified impact(s) of the proposal.**

FINDING:

Staff cites the findings in Criterion No. 3 as applicable to this criterion. Based on the conflict between federal law (47 U.S.C. § 1455(a)) and the Beaverton Development Code, Criterion No. 11 cannot be applied to this proposal.

Therefore, staff finds the criterion for approval cannot be applied to this proposal because the criterion conflicts with federal law.

- 12. Adequate means are provided or can be provided to ensure continued periodic maintenance and necessary normal replacement of the following private common facilities and areas: drainage ditches, roads and other improved rights-of-way, structures, recreation facilities, landscaping, fill and excavation areas, screening and fencing, ground cover, garbage and recycling storage areas and other facilities, not subject to periodic maintenance by the City or other public agency.**

FINDING:

The monopole antenna facility and associated ground equipment are located in a fenced area that is accessible for maintenance.

Therefore, staff finds the proposal meets the criterion for approval.

- 13. The proposal does not include any lot area averaging as specified in Section 20.05.50.1.B. or include any lot dimension reductions as specified in Sections 20.05.50.2.A.2. and .4. or 20.05.50.2.B.2. and .4. [ORD 4487; August 2008] [ORD 4498; January 2009]**

FINDING:

The proposal does not include a request for lot area averaging.

Therefore, staff finds the criterion for approval is not applicable to this proposal.

14. Applications and documents related to the request, which will require further City approval, shall be submitted to the City in the proper sequence.

FINDING:

The applicant has submitted this Major Adjustment application and the associated Variance and Wireless Facilities applications for this project. Concurrent review of the applications satisfies this criterion. No other applications are required of the applicant for this stage of City approvals. Because the applications were submitted concurrently staff will review all three applications at once. This Major Adjustment application is dependent upon approval of the Wireless Facility and Variance applications. As such, staff recommends a condition of approval that the Major Adjustment application is subject to Wireless Facility (WF2018-0014) and Variance (VAR2019-0001) approval.

Therefore, staff finds that by meeting the conditions of approval the proposal meets the criterion for approval.

Recommendation

Based on the facts and findings presented, staff recommends **APPROVAL** of **ADJ2019-0001 (T-Mobile Monopole Modification)**, subject to the conditions below in Attachment D.

**ANALYSIS AND FINDINGS FOR
VARIANCE
T-MOBILE MONOPOLE MODIFICATION
VAR2019-0001**

Section 40.95.05 Variance Purpose

The purpose of a Variance application is to provide for the consideration of varying from the applicable provisions of the Development Code where it can be shown that, owing to special and unusual circumstances, the literal interpretation of these provisions would cause an undue or unnecessary hardship without a corresponding public benefit. This Section is carried out by the approval criteria listed herein.

Section 40.95.15.1.C Approval Criteria

In order to approve a Variance application, the decision making authority shall make findings of fact based on evidence provided by the applicant demonstrating that all the following criteria are satisfied:

1. The proposal satisfies the threshold requirements for a Variance application.

FINDING:

The applicant proposes a Variance application to reduce the required setbacks for a monopole modification which meets threshold:

1. *A change of more than fifty percent (50%) to the numerical standards specified in the Site Development Requirements contained in Chapter 20 (Land Uses). This threshold does not apply where credits have been earned for height increase through Habitat Friendly Development Practices, as described in Sections 60.12.40.4., .5., .6., and .7.*

This request meets threshold 1 for a Variance identified in BDC Section 40.95.15.1.A.

Therefore, staff finds that the proposal meets the criterion for approval.

2. All City application fees related to the application under consideration by the decision making authority have been submitted.

FINDING:

The applicant paid the required associated fee for a Variance application.

Therefore, staff finds that the proposal meets the criterion for approval.

3. Special conditions exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, buildings, or structures in the same zoning district.

FINDING:

Since the request for a variance for the monopole setback is related to the Major Adjustment request to increase the height of the existing monopole, this proposal is considered an “eligible facilities request” by the Federal Communication Commission (FCC) limiting the city’s review. Under Section 6409(a) of the Middle Class Tax Relief and Job Creation Act of 2012 (codified as 47 U.S.C. § 1455(a)), and its implementing rules found in the Code of Federal Regulations (CFR) 1.40001 et seq., the city must approve any “eligible facilities request” for a wireless facility or modification that does not cause a “substantial change” in a site’s physical dimensions.

Federal law defines an eligible facilities request as any request to modify any tower or facility that does not result in a substantial change to the tower or facility. Modifications include the collocation, removal or replacement of transmission equipment.

The City must approve an eligible facility request application unless there is a substantial change in:

- Height;
- Width;
- Additional equipment cabinets;
- Excavation or deployment outside the site area;
- Concealment; and
- Compliance with prior conditions.

While the variance is to the setback of the existing pole, the location of the tower will not change, only the height of the tower. To be considered an eligible facility request, the height of the tower cannot increase by: 1) more than 10%, or 2) an additional 20 feet if the application is adding an additional antenna array, whichever is greater. The baseline for the height is measured from the overall height that existed on February 22, 2012, when Section 6409 was enacted. The baseline height for the subject monopole is 80 feet because the approval for the increase was not completed until after the enactment date of February 2012. The height can be increased again because it is only raising the total height to 92 feet. The cumulative of all increases due to additional antenna arrays cannot be greater than 20 feet. In this case, the maximum height the tower can ever be will be 100 feet.

The application requests an increase to the height of the lawfully approved monopole from 88-feet to 92-feet is not considered a substantial increase; however, the increase in the height of the tower changes the minimum setback requirement, which is the height of the tower plus 5-feet, making the monopole non-compliant with the setback requirements. Pursuant to federal regulations the 4-foot increase in height is not a substantial change; therefore, it is allowed and must be approved. If the variance for the setbacks is denied, it would effectively result in a denial to increase the height of the monopole. Due to federal law, the City does not have discretion to deny an application for an eligible facility request, Criterion No. 3 is not applicable to this proposal because it conflicts with federal law.

Therefore, staff finds the criterion for approval is not applicable to this proposal

because it conflicts with federal law.

- 4. *Strict interpretation of the provisions of this ordinance would deprive the applicant of the rights commonly enjoyed by other properties in the same zoning district under the terms of the Development Code.***

FINDING:

Staff cites the findings in Criterion No. 3 as applicable to this criterion. Based on the conflict between federal law (47 U.S.C. § 1455(a)) and the Beaverton Development Code, Criterion No. 4 does not apply to this proposal.

Therefore, staff finds the criterion for approval is not applicable to this proposal because it conflicts with federal law.

- 5. *The special conditions and circumstances do not result from the actions of the applicant and such conditions and circumstances do not merely constitute financial hardship or inconvenience.***

FINDING:

Staff cites the findings in Criterion No. 3 as applicable to this criterion. Based on the conflict between federal law (47 U.S.C. § 1455(a)) and the Beaverton Development Code, Criterion No. 5 does not apply to this proposal.

Therefore, staff finds the criterion for approval is not applicable to this proposal because it conflicts with federal law.

- 6. *If more than one (1) variance is being requested, the cumulative effect of the variances result in a project which is still consistent with the overall purpose of the applicable zone.***

FINDING:

The Variance application reduced setbacks is being request concurrently with a Major Adjustment application to increase the height of the monopole. The required setback, from all property lines, for freestanding wireless monopoles, is a distance equal to the height of the tower plus five. The footprint of the existing monopole will not be modified and will maintain the existing setbacks. The increase in height is allowable because is it considered an “eligible facility request.” Staff cites the findings in Criterion No. 3 as applicable to this criterion. Based on the conflict between federal law (47 U.S.C. § 1455(a)) and the Beaverton Development Code, Criterion No. 6 does not apply to this proposal.

Therefore, staff finds the criterion for approval is not applicable to this proposal because it conflicts with federal law.

- 7. Any variance granted shall be the minimum variance that will make possible a reasonable use of land, building, and structures.**

FINDING:

Staff cites the findings in Criterion No. 3 as applicable to this criterion. Based on the conflict between federal law (47 U.S.C. § 1455(a)) and the Beaverton Development Code, Criterion No. 7 does not apply to this proposal.

Therefore, staff finds the criterion for approval is not applicable to this proposal because it conflicts with federal law.

- 8. For a proposal for a variance from sign regulations, no variance shall be granted unless it can be shown that there are special circumstances involving size, shape, topography, location or surroundings attached to the property referred to in the application, which do not apply generally to other properties in the same zoning district, and that the granting of the variance will not result in material damage or prejudice to other property in the vicinity and not be detrimental to the public safety and welfare. Variances shall not be granted merely for the convenience of the applicant or for the convenience of regional or national businesses which wish to use a standard sign.**

FINDING:

The application does not include a variance application for signs.

Therefore, staff finds the criterion for approval is not applicable to this proposal.

- 9. The proposal is consistent with all applicable provisions of Chapter 20 (Land Uses) unless the applicable provisions are subject to an Adjustment, Planned Unit Development, or Variance which shall be already approved or considered concurrently with the subject proposal.**

FINDING:

Staff cites the findings in Criterion No. 3 as applicable to this criterion. Based on the conflict between federal law (47 U.S.C. § 1455(a)) and the Beaverton Development Code, Criterion No. 9 does not apply to this proposal.

Therefore, staff finds the criterion for approval is not applicable to this proposal because it conflicts with federal law.

- 10. The proposal is consistent with all applicable provisions of Chapter 60 (Special Requirements) and that all improvements, dedications, or both required by the applicable provisions of Chapter 60 (Special Requirements) are provided or can be provided in rough proportion to the identified impact(s) of the proposal.**

FINDING:

Staff cites the findings in Criterion No. 3 as applicable to this criterion. Based on the conflict between federal law (47 U.S.C. § 1455(a)) and the Beaverton Development Code, Criterion No. 10 does not apply to this proposal.

Therefore, staff finds the criterion for approval is not applicable to this proposal because it conflicts with federal law.

11. The proposal contains all applicable application submittal requirements as specified in Section 50.25.1. of the Development Code.

FINDING:

The proposed project is an eligible facilities request and was deemed complete by the applicant upon submittal. When a project is a valid 6409 request, the application does not need to be complete to be approved as long as it addresses all of the federal requirements for an eligible facilities request. Due to federal law, the City does not have discretion to deny an application for an eligible facility request that meets all of the requirements under federal law. The applicant chose to forego the Beaverton Development Code pre-application meeting and neighborhood meeting because it is not required by federal law.

Therefore, staff finds the criterion for approval is not applicable to this proposal because it conflicts with federal law.

12. Applications and documents related to the request, which will require further City approval, shall be submitted to the City in the proper sequence.

FINDING:

The applicant has submitted this Variance application and the associated Major Adjustment and Wireless Facilities applications for this project. Concurrent review of the applications satisfies this criterion. No other applications are required of the applicant for this stage of City approvals. Because the applications were submitted concurrently staff will review all two applications at once. This Variance application is dependent upon approval of the Major Adjustment and Wireless Facility applications. As such, staff recommends a condition of approval that the Variance application is subject to Major Adjustment (ADJ2019-0001) and Wireless Facility (WF2018-0014) approval.

Therefore, staff finds that by meeting the conditions of approval the proposal meets the criterion for approval.

Recommendation

Based on the facts and findings presented, staff recommends **APPROVAL** of **VAR2019-0001 (T-Mobile Monopole Modification)**, subject to the conditions below in Attachment D.

**ANALYSIS AND FINDINGS FOR
WIRELESS FACILITY
T-MOBILE MONOPOLE MODIFICATION
WF2018-0014**

Section 40.96.05 Wireless Facility Purpose

The purpose of the wireless facility application is to ensure the review and implementation of the regulations for the construction and use of wireless communication facilities in the City of Beaverton. The section is consistent with FCC Declaratory Rulings and current federal laws, and is intended to minimize potential adverse visual, aesthetic, and safety impacts of wireless communication facilities on residential neighborhoods, and on the community as a whole by establishing review standards for the use, placement, and design of wireless communication facilities. This Section is carried out by the approval criteria listed herein.

Section 40.95.15.1.C Approval Criteria

In order to approve a Wireless Facility application, the decision making authority shall make findings of fact based on evidence provided by the applicant demonstrating that all the following criteria are satisfied:

1. The proposal satisfies the threshold requirements for a Wireless Facility One application.

FINDING:

The applicant proposes a Wireless Facility application to modify an existing monopole which meets threshold:

- 3. In any zoning district, attachment of wireless communications facilities to existing structures, tower structures or pole structures that constitute an “eligible facilities request” as defined in Chapter 90 (Definitions) under federal law. Not permitted on single-family dwellings.*

This request meets threshold 3 for a Wireless Facility application identified in BDC Section 40.96.15.1.A., as the applicant is proposing to add an additional four (4) feet to the height of the existing monopole, which meets the definition for “eligible facilities request.” The proposal does not include utilization of a single-family dwelling. Staff finds that the proposal meets Threshold 3 for a Wireless Facility One application.

Therefore, staff finds that the proposal meets the criterion for approval.

2. All City application fees related to the application under consideration by the decision making authority have been submitted.

FINDING:

The applicant paid the required associated fee for a Wireless Facility application.

Therefore, staff finds that the proposal meets the criterion for approval.

3. *The proposal contains all applicable application submittal requirements as specified in Section 50.25.1. of the Development Code.*

FINDING:

The proposed project is an eligible facilities request and was deemed complete by the applicant upon submittal. When a project is a valid 6409 request, the application does not need to be complete to be approved as long as it addresses all of the federal requirements for an eligible facilities request. Due to federal law, the City does not have discretion to deny an application for an eligible facility request that meets all of the requirements under federal law. The applicant chose to forego the Beaverton Development Code pre-application meeting and neighborhood meeting because it is not required by federal law.

Therefore, staff finds the criterion for approval is not applicable to this proposal because it conflicts with federal law.

4. *The proposal meets all applicable Site Development Requirements of Sections 20.05., 20.10., 20.15., and 20.20. of the Development Code unless the applicable provisions are subject to an Adjustment, Planned Unit Development, or Variance application which shall be already approved or considered concurrently with the subject proposal.*

FINDING:

The applicant submitted a Major Adjustment and Variance applications for concurrent review. This Wireless Facility application is dependent upon approval of the Major Adjustment and Variance applications. As such, staff recommends a condition of approval that the Wireless Facility application is subject to Major Adjustment (ADJ2019-0001) and Variance (VAR2019-0001) approval.

Therefore, staff finds that by meeting the conditions of approval the proposal meets the criterion for approval.

5. *The proposal complies with all applicable provisions in Chapter 60 (Special Regulations).*

FINDING:

The proposal complies with all applicable provisions in Chapter 60, except for the height of the monopole and the setbacks. Applications for a Major Adjustment and a Variance were submitted for concurrent review to address the height and setback requirements. This Wireless Facility application is dependent upon approval of the Major Adjustment and Variance applications. As such, staff recommends a condition of approval that the

Wireless Facility application is subject to Major Adjustment (ADJ2019-0001) and Variance (VAR2019-0001) approval.

Therefore, staff finds that by meeting the conditions of approval the proposal meets the criterion for approval.

6. *The proposal is an “eligible facilities request” that does not substantially change the physical dimensions of such tower or base station.*

The proposal is an “eligible facilities request” and the request does not substantially change the physical dimensions of the monopole. To be considered an eligible facility request, the height of the tower cannot increase by: 1) more than 10%, or 2) an additional 20 feet if the application is adding an additional antenna array, whichever is greater. The baseline for the height is measured from the overall height that existed on February 22, 2012, when Section 6409 was enacted. The baseline height for the subject monopole is 80 feet because the approval for the increase was not completed until after the enactment date of February 2012. The height can be increased again because it is only raising the total height to 92 feet. The cumulative of all increases due to additional antenna arrays cannot be greater than 20 feet. In this case, the maximum height the tower can ever be will be 100 feet.

Therefore, staff finds that the proposal meets the criterion for approval.

7. *The proposal does not conflict with any existing City approval, except the City may modify prior approvals through the WCF process to comply with federal, state and local laws.*

A Major Modification application has been concurrently submitted requesting to modify the height of the existing monopole. A Minor Modification was approved in 2012 to extend the height of the pole by 10 percent, for a total height of 88 feet, where 80 feet is allowed. The Major Modification will supersede the Minor Modification approval; therefore, the proposal will not conflict with the existing approval.

Therefore, staff finds that the proposal meets the criterion for approval.

8. *The proposal is not on or within any right-of-way.*

The proposal is located on private property.

Therefore, staff finds that the proposal meets the criterion for approval.

9. Applications and documents related to the request, which will require further City approval, shall be submitted to the City in the proper sequence.

FINDING:

The applicant has submitted this Wireless Facility application and the associated Major Adjustment and Variance applications for this project. Concurrent review of the applications satisfies this criterion. No other applications are required of the applicant for this stage of City approvals. Because the applications were submitted concurrently staff will review all two applications at once. This Wireless Facility application is dependent upon approval of the Major Adjustment and Variance applications. As such, staff recommends a condition of approval that the Wireless Facility application is subject to Major Adjustment (ADJ2019-0001) and Variance (VAR2019-0001) approval.

Therefore, staff finds that by meeting the conditions of approval the proposal meets the criterion for approval.

Recommendation

Based on the facts and findings presented, staff recommends **APPROVAL** of **WF2018-0081 (T-Mobile Monopole Modification)**, subject to the conditions below in Attachment D.

**CONDITIONS OF APPROVAL
T-Mobile Monopole Modification
ADJ2019-0001 / VAR2019-0001 / WF2018-0014**

ADJ2019-0001

1. Ensure that the associated land use applications VAR2019-0001 and WF2018-0014 have been approved and are consistent with the submitted plans. (Planning/SD)

VAR2019-0001

1. Ensure that the associated land use applications ADJ2019-0001 and WF2018-0014 have been approved and are consistent with the submitted plans. (Planning/SD)

WF2018-0014

1. Ensure that the associated land use applications ADJ2019-0001 and VAR2019-0001 have been approved and are consistent with the submitted plans. (Planning/SD)

Sierra Davis

From: sib <sib@hevanet.com>
Sent: Thursday, January 17, 2019 12:24 PM
To: Sierra Davis
Subject: Cell tower change question

Follow Up Flag: Follow up
Flag Status: Completed

Ms Davis:

Regarding planned modification to the T- Mobile monopole at SW 22nd & Hall near my home, please let me know: is this a relocation of the existing tower, just permission for a height increase at the current location, or something else? Too, does this change relate to the planned new cell tower at SW Denny and Hall?

Reference: ADJ2019-001 / VAR2019-001 / WF2018-0014

Regards,

Steve Sibelman