



**CITY OF
TUCSON**
ZONING
EXAMINER'S
OFFICE

Preliminary Report

November 6, 2015

Rillito Marketplace One LLC
ATTN: The Krausz Companies
44 Montgomery Street, Suite 3300
San Francisco, CA 94104-4806

Garrett Jonilonis
Pinnacle Consulting
1426 N. Marvin Street, Suite 101
Gilbert, AZ 85233

SUBJECT: SE-14-89 AT&T – 1st Avenue
Public Hearing: October 29, 2015

Dear Mr. Jonilonis,

Pursuant to the City of Tucson Unified Development Code and the Zoning Examiner's Rules of Procedures (Resolution No. 9428), this letter constitutes written notification of the Zoning Examiner's summary of findings for rezoning case SE-14-89 AT&T – 1st Avenue. At the expiration of 14 days of the conclusion of the public hearing, the Zoning Examiner's Report (complete with background information, public hearing summary, findings of fact, conclusion, recommendation, and public hearing minutes) to the Mayor and Council shall be filed with the City Manager. A copy of that report can be obtained from either the Planning and Development Services Department (791-5550) or the City Clerk.

If you or any party believes that the Zoning Examiner's recommendation is based on errors of procedure or fact, a written request to the Zoning Examiner for review and reconsideration may be made within 14 days of the conclusion of the public hearing.

The public hearing held by the Zoning Examiner shall constitute the public hearing by the Mayor and Council. However, any person may request a new public hearing before the Mayor and Council. A request for a new public hearing must be filed in writing with the City Clerk within 14 days of the close of the Zoning Examiner's public hearing.

SUMMARY OF FINDINGS

This is a request by Garrett Jonilonis of Pinnacle Consulting, on behalf of AT&T Mobility, for approval of a wireless communication facility. The special exception site is located approximately 500 feet east of 1st Avenue and 500 feet north of Limberlost Drive. The preliminary development plan (PDP) proposes a wireless communication tower (monopole) 67 feet in height, with nine antennas. The WCF will be placed within an 800 square foot lease area in the eastern-central portion of a 9.03 acre parcel, near the rear facade of the commercial complex building. The overall commercial center has multiple parcels totaling 13.02-acres and functions as one development with retail uses, restaurants, and a fitness center.

A communications use of this type in the C-1 zone is subject to Sections 4.9.13.0 and 4.9.4.1.2,3, and .7 of the *Unified Development Code (UDC)* and requires approval through a Mayor & Council Special Exception Procedure, Sec. 3.4.4, because the tower height exceeds 50 feet. Documentation provided by the applicant indicates that no practical alternative exists, and measures are being taken to conceal or disguise the tower and antenna from view by painting the monopole and attachments a brownish rust color.

The rezoning site is located within a mixed-use corridor as identified on the Future Growth Scenario Map of *Plan Tucson*. Mixed-use corridors combine a variety of housing options, retail, services, office, and public gathering places, located close to each other, providing occupants of the center and the residents and workers in the surrounding neighborhoods with local access to goods and services. *Plan Tucson* policies protect established residential neighborhoods by supporting compatible development, including non-residential uses, where the scale and intensity of use is compatible with adjacent uses. Policy LT28.1.2 requires that wireless communication facilities be located, installed and maintained to minimize visual impacts and preserve views. Policy LT28.1.3 calls for improving the appearance of above-ground utilities and structures and extending access to high-tech wireless communication facilities throughout the city.

Primary vehicular access to the WCF will be through the existing curb cuts and on-site parking area access lanes, and is identified by a 12-foot wide access easement from Limberlost Drive. According to the *Major Streets and Routes Plan*, Limberlost Drive is a local street and 1st Avenue is designated as an arterial street. The Pima Association of Governments - Transportation Planning Division (PAG-TPD) estimates that the proposed development will not generate additional measurable vehicle trips per day. Field inspection by staff indicates there are currently no billboards on the rezoning site.

The proposed monopole will include three antennas per sector with three sectors for a total of nine antennas. Mitigation measures supported by staff include placement of antennas and other attachments as close to the monopole as

practical, a sector width as narrow as practical, and with all surfaces and attachments painted in a rust color to minimize visual impacts. The PDP proposes a standoff dimension from the monopole to the T-bar mount of 18 inches and a width for each sector of 56 inches. The nearest residential development is an adjacent multi-family complex, zoned R-3, located approximately 220 feet to the east, and the nearest residential unit within the complex is approximately 300 feet northeast of the WCF. The applicant has submitted a photo-simulation of the monopole, which will be set back from both 1st Avenue and Limberlost Drive by approximately 500 feet. The monopole will be visible from the surrounding residential neighborhoods, commercial developments, and from nearby streets.

The applicant proposes to place the monopole and ground equipment within an 800 square foot lease area behind and to the east of the commercial building, in an area which is currently a portion of the designated loading area for the commercial development. Zoning Review staff may require a revised tentative plat to ensure that current off-street loading standards are met. Ground equipment will be housed inside an equipment cabinet located next to a proposed diesel backup generator, both to be located on a concrete slab and screened by a 10-foot masonry wall. The proposed back-up generator shall be designed to minimize potential noise impacts to the adjacent multi-family residential complex. Staff recommends the masonry screen wall surrounding the lease area be painted in neutral desert colors to match nearby existing walls.

The applicant's proposal requires approval as a Mayor and Council Special Exception and must meet the Use-Specific Standards of *UDC* Sections 4.9.13.0 and 4.9.4.I.2, .3, and .7. The Mayor and Council may forward the request to the Design Review Board for design review and recommendation.

4.9.4.I.7

- a. Wireless communication antennas, provided:
 - (1) The tower or antennas are not permitted by other provisions of this Section.
 - (2) New towers require a minimum separation of one mile from any existing tower, regardless of ownership, unless documentation establishes that no practical alternative exists.
 - (3) All appropriate measures shall be taken to conceal or disguise the tower and antenna from external view.
 - (4) All appropriate measures shall be taken to reduce the negative proliferation of visible towers and antennae by the collocation of new antennae on existing towers or with the facilities of other providers which are located or planned for development within the proposed service area.
 - (5) Notice shall be provided to all agents designated at least 15 days prior to the date of the public hearing before the Zoning Examiner.

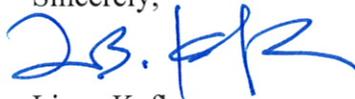
CONCLUSION

The proposal is in compliance with the performance criteria for a wireless communication facility. The special exception request is consistent with policy direction in the *Northside Area Plan* and *Plan Tucson*, which support development designed to be compatible with and sensitive to surrounding land uses. The proposed WCF has been designed to blend in with the surroundings and does not conflict with plan policies. Subject to compliance with the attached preliminary conditions, approval of the requested special exception is appropriate.

RECOMMENDATION

The Zoning Examiner recommends approval of the Special Exception request.

Sincerely,



Linus Kafka
Zoning Examiner

ATTACHMENTS:

Case Location Map

Rezoning Case Map

cc: City of Tucson Mayor and Council

PROCEDURAL

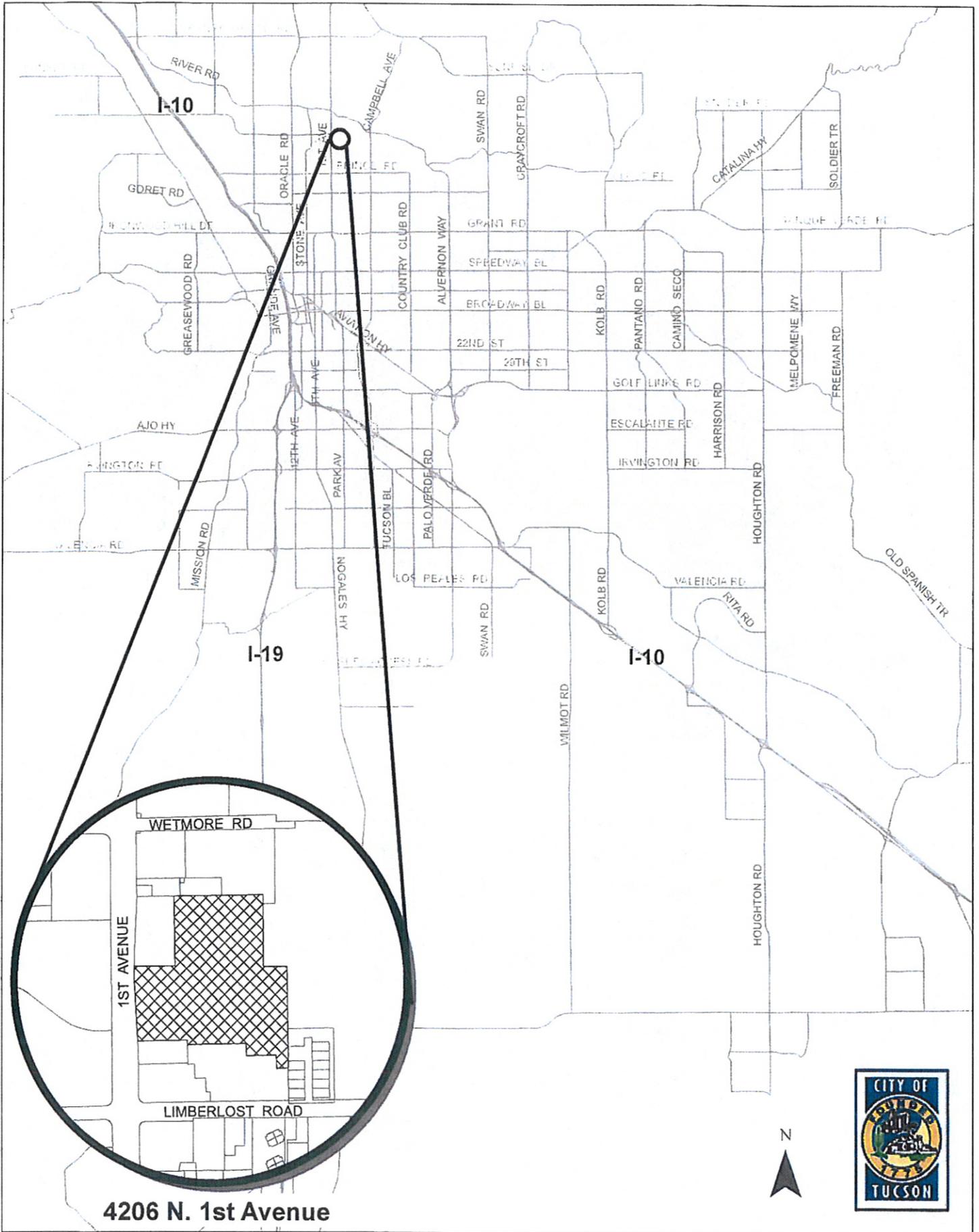
1. A development package in substantial compliance with the preliminary development plan dated August 25, 2015, is to be submitted and approved in accordance with *Administrative Manual*, Section 2-06.
2. The property owner shall execute a waiver of potential claims under A.R.S. Sec. 12-1134 for this zoning amendment as permitted by A.R.S. Sec. 12-1134 (I) in the form approved by the City Attorney and titled "Agreement to Waive Any Claims Against the City for Special Exception Land Use".
3. Historic or prehistoric features or artifacts discovered during future ground disturbing activities should be reported to the City of Tucson Archaeologist. Pursuant to A.R.S. 41-865 the discovery of human remains and associated objects found on private lands in Arizona must be reported to the Director of Arizona State Museum.
4. Any relocation, modification, etc., of existing utilities and/or public improvements necessitated by the proposed development shall be at no expense to the public.
5. Five years are allowed from the date of initial authorization to implement and effectuate all Code requirements and conditions of the special exception land use.
6. A copy of the Special Exception decision letter shall be included with the site plan at the time of permit application submittal.

LAND USE COMPATABILITY

7. The wireless communication tower, including attachments such as antenna panels, shall not exceed sixty-seven (67) feet in height from grade elevation.
8. Ground equipment to be located within lease area and within an enclosed shelter, as depicted on the preliminary development plan dated August 25, 2015.
9. Antenna dimensions shall not exceed ninety-eight (98) inches in length, fourteen (14) inches in width, and eight (8) inches in depth.
10. Any graffiti visible from the public right-of-way or from nearby residential development shall be removed within 72 hours of observation.
11. There shall be no exterior wiring, visible footpegs, portals, cabling or cable shrouds, on the monopole.
12. Antenna T-arm standoff from pole shall not exceed eighteen (18) inches as shown on Preliminary Development Plan dated August 25, 2015.

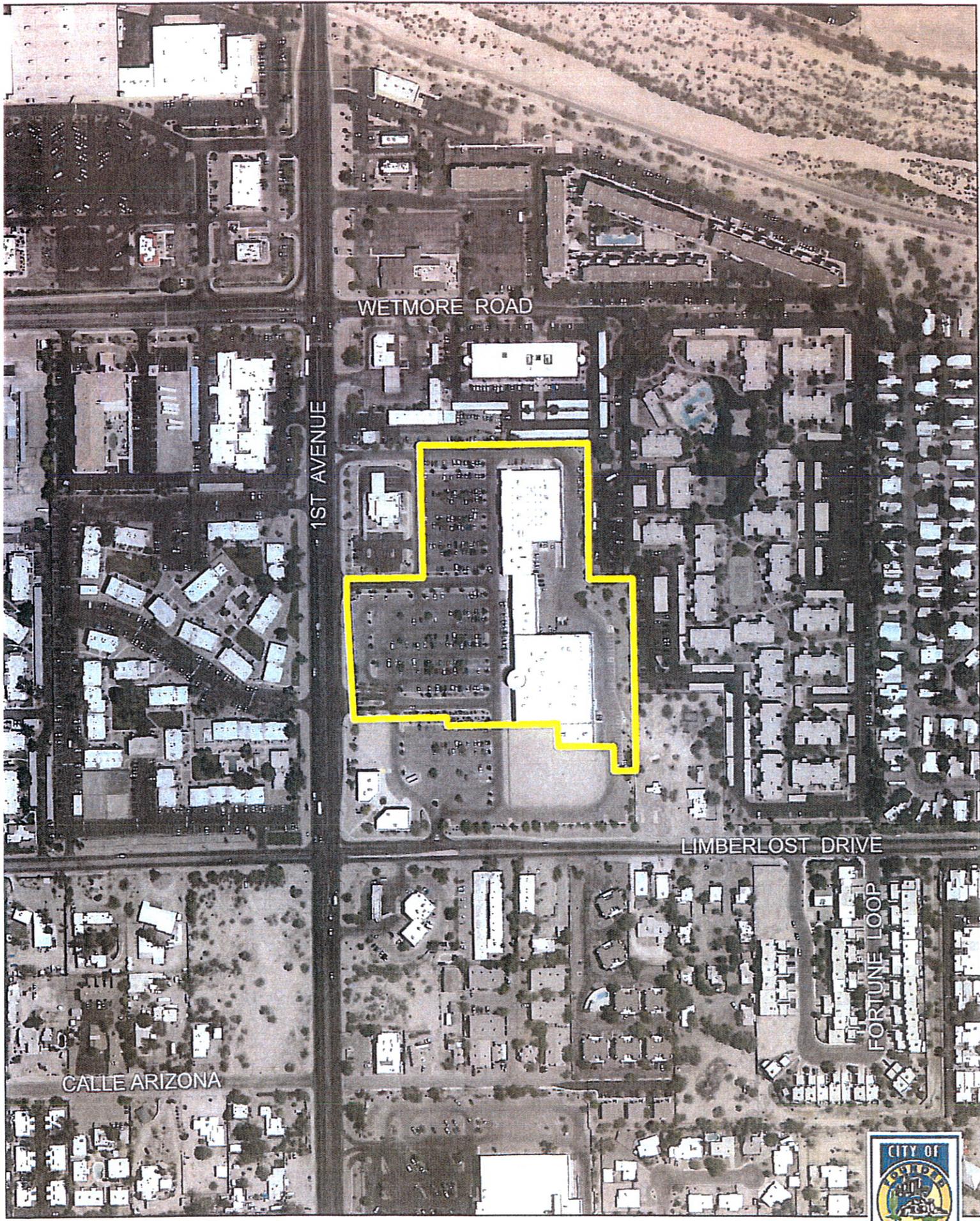
13. Maximum sector width shall not exceed fifty-six (56) inches as shown on Preliminary Development Plan dated August 25, 2015.
14. Installation of a backup generator requires evidence of compliance with the Tucson City Code, Section 16-31 Excessive Noise. The generator may be tested for up to 45 minutes per week, between the hours of 8:00 AM and 6:00 PM. The generator shall include a fuel catchment feature designed to contain at least 210 gallons of fuel in the event of a leak.
15. Ground equipment to be located within lease area and enclosed by a ten foot high masonry wall with surface texture and color to match adjacent on-site trash enclosure, as shown on Preliminary Development Plan dated August 25, 2015.
16. Full length of monopole surface shall be corten steel finish to minimize visual impacts. Antennas and other collocating equipment shall be painted or finished to complement corten steel finish of pole.
17. Due to the location of the wireless communication facility within a designated loading zone for the commercial center per tentative plat S05-207, applicant shall verify compliance with off-street loading standards in UDC Sec. 7.5, and if necessary, shall revise the tentative plat to demonstrate compliance with UDC requirements.
18. Plans for future carriers must be approved through the special exception process.

SE-14-89 AT&T - 1st Avenue



4206 N. 1st Avenue





WETMORE ROAD

1ST AVENUE

LIMBERLOST DRIVE

CALLE ARIZONA

FORTUNE LOOP



SE-14-89 AT&T - 1st Avenue
2014 Aerial

0 75 150 300
Feet
1 inch = 300 feet

