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August 24, 2024

CITY OF LAS VEGAS, NV
DEPARTMENT OF PLANNING
333 N. RANCHO
LAS VEGAS, NV 89106

Via Online Portal

*****NOTICE OF ELIGIBLE FACILITIES REQUEST*****

RE: Request for Special Use Permit from the Cit of Las Vegas
Request for Minor Modification to Existing Wireless Facility – Section 6409
Site Address: 1202 S. Valley View Blvd., Las Vegas, NV 89102
Crown Site Number: 825507 / Crown Site Name: LVo82 Charleston & Shetla
Customer Site Number: SDLAS00031B / Application Number: 663988

On behalf of DISH Wireless L.L.C. (“Dish Wireless” or “Applicant”), Crown Castle USA Inc. (“Crown Castle”) is pleased to submit this request to modify the existing wireless facility noted above through the collocation, replacement and/or removal of the Applicant’s equipment as an eligible facilities request for a minor modification under Section 6409¹ and the rules of the Federal Communications Commission (“FCC”).²

Section 6409 mandates that state and local governments must approve any eligible facilities request for the modification of an existing wireless tower or base station that does not substantially change the physical dimensions of such tower or base station. Under Section 6409, to toll the review period, if the reviewing authority determines that the application is incomplete, it must provide written notice to the applicant within 30 days, which clearly and specifically delineates all missing documents or information reasonably related to whether the request meets the federal requirements.³ Additionally, if a state or local government, fails to issue any approvals required for this request within 60 days, these approvals are deemed granted. The FCC has clarified that the 30-day and 60-day deadlines begins when an applicant: (1) takes the first step required under state or local law; and (2) submits information sufficient to inform the jurisdiction that this modification qualifies under the federal law⁴.

¹ Middle Class Tax Relief and Job Creation Act of 2012, Pub. L. No. 112-96, § 6409 (2012) (codified at 47 U.S.C. § 1455).

² *Acceleration of Broadband Deployment by Improving Wireless Facility Siting Policies*, 29 FCC Rcd. 12865 (2014) (codified at 47 CFR § 1.6100); and *Implementation of State & Local Governments’ Obligation to Approve Certain Wireless Facility Modification Requests Under Section 6409(a) of the Spectrum Act of 2012*, WT Docket No. 19-250 (June 10, 2020).

³ See 47 CFR § 1.6100 (c)(3). ⁴ See 2020 Upgrade Order at paragraph 16.

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The proposed scope of work for this project includes:

Redeploy Dish Wireless antenna equipment from 31' to 53' via a 13' tower extension.

This request for a special use permit is to meet the needs of wireless data services and the infrastructure necessary to delivery signal and coverage to the surrounding area. Radio Frequency Engineers have identified a distinct benefit of increasing signal strength and coverage via an increase in the tower height. This increase will help to meet the growing demand for wireless data services in this area.

Regarding the nine nonwaivable requirements for a special use permit for a WCF, Non-Stealth Design (LVMC 19.12.070) that must be met;

1. No residential use may exist on the property.
 - a. This is a commercially zoned property and commercial use.
2. Any antenna tower that forms part of the facility shall conform with both the setback requirements of the zoning district and the applicable residential adjacency standards of this Title.
 - a. The subject property meets all conditions of its original approval including setback requirements.
3. Except in the C-V Zoning District, no antenna tower that forms part of a facility may be located within 600 feet of:
 - a. Any other antenna tower that forms part of a wireless communication facility; or
 - b. Any pole or tower structure of any other type that has a height of at least 60 feet.
 - a. The closest wireless tower is approximately 715 feet to the northeast of this site.
4. Antenna towers and associated components shall be initially painted and thereafter repainted with a flat paint, using a color that is approved by the City Council. Except as otherwise required by the Federal Communications Commission or the Federal Aviation Administration, the color of any antenna tower must generally match the surroundings or background so as to minimize its visibility.
 - a. All required equipment will be painted the with a flat paint, using a color that is approved by the City Council.
5. Failure to perform necessary maintenance and repainting shall be grounds for administrative and other enforcement action, including action pursuant to Requirement 9 below.
 - a. Regular annual site visits and maintenance are performed by field operations personnel.
6. Any proposed antenna tower must be designed to accommodate at least two communication providers or, in the case of a tower that exceeds 80 feet in height, at least 3 communications providers.
 - a. This condition is met as there are two communication providers collocated on this tower.
7. No signals, lights, or other attention gaining devices are permitted on any antenna tower or antenna unless required by the Federal Communications Commission or the Federal Aviation Administration; provided, however, that this condition shall not be construed to prevent the mounting of an antenna on a signal, light or sign that has been legally permitted and installed.
 - a. There are no signals, lights, or other attention gaining devices installed on this tower.
8. All ground level equipment, buildings and the base of any antenna tower must be screened so as to not be visible from streets and residences, with appropriate landscaping designed to ensure compatibility with surrounding uses.
 - a. All equipment will be screened behind the existing masonry wall.

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9. Any abandoned or unused antenna tower, and the associated components of any facility, shall be removed within 6 months after operations at the site cease. In the event that removal is not timely performed, the City may remove, or cause the removal of, the antenna tower and associated components, and assess the costs of removal against the property. Before taking such action, the City must deliver or mail to the property owner a notice of the City's intent to do so. The property owner shall have 30 days from the date notice is delivered or mailed to request a hearing. The failure to request a hearing shall be deemed to be a waiver of the right to be heard, and the City may immediately cause the removal of the antenna tower and any associated components, and may assess the costs against the property.
 - a. The applicant acknowledges and agrees to the conditions for abandoned towers.

At the end of this letter is a checklist outlining the applicable substantial change criteria under Section 6409. Additionally, the following items are included in support of this request:

- Application and Statement of Financial Interest
- Site Plan
- Elevations
- Property Owner Consent
- Site Lease

As these documents indicate, (i) the modification involves the collocation, removal or replacement of transmission equipment; and (ii) such modification will not substantially change the physical dimensions of such tower or base station. As such, it is an "eligible facilities request" as defined in the FCC's rules to which the 60-day deadline for approval applies. Accordingly, Applicant requests all authorization necessary for this proposed minor modification under Section 6409.

Our goal is to work with you to obtain approvals earlier than the deadline. We will respond promptly to any request for related information you may have in connection with this request. Please let us know how we can work with you to expedite the approval process. We look forward to working with you on this important project, which will improve wireless telecommunication services in your community using collocation on existing infrastructure. If you have any questions, please do not hesitate to contact me.

Regards,

Craig Chagnon

Craig Chagnon
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Section 6409 Substantial Change Checklist for Towers Outside of the Public Right of Way

The Federal Communications Commission has determined that a modification substantially changes the physical dimension of a wireless tower or base station under 47 U.S.C. § 1455(a) if it meets one of six enumerated criteria under 47 C.F.R. § 1.6100.

Criteria for Towers Outside of the Public Rights of Way

YES/NO NO	Does the modification increase the height of the tower by more than the greater of: (a) 10%; or (b) the height of an additional antenna array plus separation of up to 20 feet from the top of the nearest existing antenna?
YES/NO NO	Does the modification add an appurtenance to the body of the tower that would protrude from the edge of the tower more than 20 feet or more than the width of the tower structure at the level of the appurtenance, whichever is greater?
YES/NO NO	Does the modification involve the installation of more than the standard number of new equipment cabinets for the technology involved or add more than four new equipment cabinets?
YES/NO NO	Does the modification entail any excavation or deployment outside the current site by more than 30 feet in any direction, not including any access or utility easements?
YES/NO NO	Does the modification defeat the concealment elements of the eligible support structure?
YES/NO NO	Does the modification violate conditions associated with the siting approval for the tower or base station other than as specified in 47 C.F.R. § 1.6100(c)(7)(i) – (iv)?

If all questions in the above section are answered “NO,” then the modification does not constitute a substantial change to the existing tower under 47 C.F.R. § 1.6100.

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