

Z18-271 CEL3

City of
Spokane



Conditional Use Permit

Planning Services
Department

Application

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MAR 12 2018

PLANNING & DEVELOPMENT

1. List the provisions of the land use code that allows the proposal.

See attached

2. Please explain how the proposal is consistent with the comprehensive plan designation and goals, objectives and policies for the property.

See attached

3. Please explain how the proposal meets the concurrency requirements of SMC Chapter 17D.010.

See attached

4. If approval of a site plan is required, demonstrate how the property is suitable for the proposed use and site plan. Consider the following: physical characteristics of the property, including but not limited to size, shape, location, topography, soils, slope, drainage characteristics, the existence of ground or surface water and the existence of natural, historic or cultural features.

Site plan is attached

5. Please explain any significant adverse impact on the environment or the surrounding properties the proposal will have and any necessary conditions that can be placed on the proposal to avoid significant effects or interference with the use of neighboring property or the surrounding area, considering the design and intensity of the proposed use.

Stealth type facility is planned to reduce visual impacts on neighboring property.

(FOLLOWING QUESTIONS FOR SHORELINE CONDITIONAL USE PERMIT ONLY)

6. Demonstrate how the proposed use will not interfere with the normal public use of the public shorelines.

n/a

7. Please explain how the cumulative impact of several additional conditional use permits on the shoreline in the area will not preclude achieving the goals of the shoreline master program.

n/a

Rod Michalis 1-31-2018

Conditional Use Permit Application – Wireless Communications Facilities

Location of proposed project: 1409 E Wellesley Ave., Spokane, WA
Zone: Residential – Single Family
Land Use: Residential 4-10
Applicant: Verizon Wireless by Rod Michaelis - (509) 953-1144

The provision of the land use code that allows the proposal is Chapter 17C. 355A Wireless Communications Facilities. A discussion of the provisions is below:

Section 17C.355A.010 Purpose:

- A. *To protect the community's natural beauty, visual quality and safety while facilitating the reasonable and balanced provision of wireless communications services. More specifically, it is the City's goal to minimize the visual impact of wireless communication facilities on the community, particularly I and near residential zones;*

Applicant:

The proposed wireless facility will help promote safety by providing increased wireless coverage for those who rely exclusively on their mobile phone and have given up their land line telephones. Approximately, 75% of 911 calls now come from wireless phones and approximately 51% of Americans use a wireless phone exclusively and have given up on their landline phones.

The visual impact of the wireless communications facility will be minimized by using an artificial tree with antennas, also known as a mono-pine or mono-fir.

- B. *To promote and protect the public health, safety and welfare, preserve the aesthetic character of the Spokane community, and to reasonably regulate the development and operation of wireless communication facilities within the City to the extent permitted under state and federal law;*

Applicant:

There are significant city, state and federal regulations that apply to wireless facilities. Some of the biggest growth in wireless communications is coming from residential areas because many people have given up their telephone land line. And, many people work and shop from home by using their wireless phone. As noted above, 75% of 911 calls now come from cell phones. Many of those calls come from residential areas.

- C. *To minimize the impact of WCFs by establishing standards for siting design and screening;*

Applicant:

The applicant has followed the siting and design standards of the City of Spokane for WCFs.

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- D. *To encourage the collocation of antennas on existing structures, thereby minimizing new visual impacts and reducing the potential need for new towers that are built in or near residential zones by encouraging that WDFs first be located on buildings, existing towers or utility poles in public rights of way.*

Applicant:

The applicant looked for tall buildings and towers in the area that would support antennas at the 50'-60' level.

I talked to Dr. Mark Anderson at School District 81 and he said that the district would not allow any wireless carriers on the roof or side of any of its buildings including Rogers High School. Memo from the school district is attached.

I contacted Jim Sakamoto, Director of the City Water Department, about placing antennas on its building located at Crestline and Hoffman and he said no. The water department building is only 25' tall and is located a ½ mile from the proposed project but it was considered although it wouldn't have met the coverage objective. The water department building is too low and too far from the center of the search ring. Memo attached.

Crown Castle owns a white stealth cylinder located at Crestline and Wellesley, about 150' north of the water department building. It is made to support flush mounted antennas that are within the stealth covering. A memo from Crown Castle is attached that explains it has not capacity for Verizon Wireless at the desired height, and that there is a lack of ground space for its equipment. This site is also about a ½ mile from the proposed site at 1409 E Wellesley Ave and too far from the center of the search ring to meet the coverage objective. Memo attached.

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- E. *To protect residential zones from excessive development of WCFs.*

Applicant:

Verizon Wireless desires to provide excellent wireless coverage with the fewest possible WCFs. To have the fewest possible WCFs it is critical to have each WCF is accurately located so that it covers the coverage objective, which is often where people live. WCFs that are located in non-optimal locations often require additional WCFs to meet the coverage objective.

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- F. *To ensure that towers in or near residential zones are only sited with alternative facility locations are not feasible.*

Applicant:

The applicant is in agreement that alternative facilities can be effective in providing a platform for wireless antennas. Alternative facilities in the right location are a benefit. Sometimes alternative facilities are not available, as in this case.

G. *To preserve the quality of living in residential areas which are in close proximity to WCFs.*

Applicant:

The use of a stealth mono-pine will help reduce the visual impact of WCFs located in residential areas. Better wireless communications will help to improve the quality of life of many in the residential area.

H. *To preserve the opportunity for continued and growing service from the wireless industry.*

Applicant:

A WCF at this location will provide the opportunity for Verizon to meet the ongoing and increasing demand for service in this area. Locating the WCF near Rogers high school is important in meeting the demand for service where so many wireless users are concentrated in one location. The concentration of users at the high school means greater demand for service than typical residential areas. A letter from the Verizon Wireless RF Engineer, Mark Tuttle, is included as part of this application.

I. *To preserve neighborhood harmony and scenic view-sheds and corridors.*

Applicant:

The proposed mono-pine ^{fin} and landscaping will blend with the trees in the area.

J. *To accommodate the growing need and demand for wireless communications services.*

Applicant:

The proposed WCF will help meet the growing need and demand for wireless communications services.

K. *To establish clear guidelines and standards and an orderly process for expedited permit application review intended to facilitate the deployment of wireless transmission equipment, to provide advanced communication services to the City, its residents, business and community at large.*

Applicant:

The proposed WCF follows the process established by the City in order to provide advanced communication services to its residents, business and community at large.

- L. *To ensure City zoning regulations are applied consistently with federal telecommunications laws, rules, regulations and controlling court decisions.*

Applicant: understood

- M. *To encourage the use of Distributed Antenna Systems (DAS) and other small cell systems that use components that are a small fraction of the size of macro-cell deployments and can be installed with little or no impact on utility support structures, buildings, and other existing structures.*

Applicant:

Verizon Wireless is a leader in the design and deployment of small cell systems, and it has several systems under design for Spokane. The small cell systems work with and do not replace macro systems. All small cell systems proposed in the City and County of Spokane are in areas that already have coverage by a macro system. This proposed macro system is needed to improve and meet the growing needs and demand for wireless communications services and future small cells. A letter from Mark Tuttle, Verizon Wireless RF Engineer, is part of this application.

- N. *To provide regulations which are specifically not intended to, and shall not be interpreted or applied to, (1) prohibit or effectively prohibit the provision of personal wireless services, (2) unreasonably discriminate among functionally equivalent service providers, or (3) regulate WCFs and wireless transmission equipment on the basis of the environmental effects of radio frequency emissions to the extent that such emissions comply with the standards established by the Federal Communications Commission.*

Applicant:

Verizon Wireless operates its WCF's with the standards established by the FCC.

Section 17C. 355A.030 Towers:

- A. *Towers shall be located only in those areas and pursuant to the process described in SMC Tables 17C.355A-1 and 17C.355A-2, provided that the towers that are proposed to located in a residential zone or with 150 feet of a residential zone shall be subject to the siting priorities set forth for preferred tower locations in SMC 17C.355A.050.*

Applicant:

The tower is proposed to be located in a residential zone to accommodate the growing need and demand for wireless communications in the area. As mentioned above half of the population doesn't have a landline anymore and cell phones are their primary method of communication. Table SMC 17C.355A-2 lists a maximum tower height of 60'

and a stealth design is required. The proposed tower is a 60' artificial tree stealth design. A Type III zoning process is required.

Section 17C.355A.050 Tower Sharing, Collocation and Preferred Tower Locations.

- A. *Tower Sharing and Collocation. New WCF facilities must, to the maximum extent feasible, collocate on existing towers or other structures of similar height to avoid construction of new towers, unless precluded by zoning constraints such as height, structural limitations, inability to obtain authorization by owner of an alternative location, or where an alternative location will not meet the service coverage objectives of the applicant. Applications for a new tower must address all existing towers or structures of similar height within ½ mile of the proposed site as follows: (a) by providing evidence that a request was made to locate on the existing tower or other structure, with no success; or (b) by showing that locating on the existing tower or other structure is infeasible.*

Applicant: Copied from section 2 on page 2:

Rogers high school was Verizon Wireless first choice. Dr. Mark Anderson at School District 81 said that the district would not allow any wireless carriers on the roof or side of any of its buildings including Rogers High School.

Jim Sakamoto, Director of the City Water Department, declined a request to place antennas on its building located at Crestline and Hoffman. The water department building is only 25' tall, is located a ½ mile from the proposed project but it was considered although it wouldn't have met the coverage objective. The building is too low and too far from the center of the search ring.

Crown Castle owns a white stealth cylinder located at Crestline and Wellesley, about 150' north of the water department building. It is made to support flush mounted antennas that are within the stealth covering. A memo from Crown Castle is attached that explains it doesn't have capacity for Verizon Wireless at the desired height. Additionally, there is a lack of ground space for its equipment. This site is also about a ½ mile from the proposed site at 1409 E Wellesley Ave. and is located too far from the center of the search ring.

Avista has an agreement with Verizon Wireless for small cells on distribution poles but not for macro installations on its taller transmission poles.

- B. Preferred Tower Locations. 1-8.

1. *City-owned or operated property and facilities, not including right-of-way and right-of-way facilities, that are not in residential zones or located within 150 of residential zones.*

Applicant: The proposed WCF is located in a residential zone and no city property was found in the search ring that met the criteria stated above.

2. *Industrial zones and downtown zones;*

Applicant: The area is not zoned either industrial or downtown.

3. *City-owned or operated property and facilities in any zone, as long as the tower is inconspicuous from a public street, public open areas, or property that is being used for residential purposes;*

Applicant: No City-owned properties are in the area of the proposed WCF that meet the criteria noted above.

4. *Community Business and General Commercial zones (CB & GC)*

Applicant: The nearest CB or GC zone is the Northtown Mall on Division. That is too far from the search ring to meet the coverage objective, and it is near another existing Verizon WCF.

5. *Office or other zones;*

Applicant: The closest none residential zone is NR35- Neighborhood Retail at Nevada and Wellesley, and Crestline, and Wellesley. The NR 35, at Crestline and Wellesley, is where the Crown Castle flag pole is located that does not have capacity for Verizon. It is next to the city owned water department building that was declined as a WCF site by the department director. No other suitable buildings of sufficient height were found in either NR35 zone.

6. *Other City-owned or operated property and facilities;*

Applicant: No City-owned or operated property and facilities were found in the search ring. We did review the City-owned water department building noted in question 5 above, but as stated, it was declined. Additionally, it was too short and too far from the center of the search ring to adequately serve the area.

7. *Parcels of land in residential zones;*

Comment by applicant: All viable parcels in the center of the search ring are zoned residential. The objective of the WCF is to serve the residential areas around the proposed

facility. The best way to serve wireless users is to place the WCF as close as possible to the center of the search ring and near the users of the WCF.

8. *Sites in residential zones on or with 150 feet of a designated historic structure or district.*

Comment by applicant: The site is in a residential zone. *Rodgers is Hx property N/A*

Section 17C.35A.060 Application Submittal Requirements

- A. *Requirement for FCC Documentation. The applicant shall provide a copy of:*
1. *Its documentation for FCC license submittal or registration*
 2. *The applicant's FCC license or registration. (see attached)*
- B. *Site plans. – attached*
- C. *Visual analysis – attached*
- D. *State of Purpose/RF Justification – attached*
- E. *Design justification. – The applicant is using stealth technology for this WCF.*
- F. *Collocation and alternative sites analysis.*
1. *All Towers. All applications for a new tower will demonstrate that collocation is not feasible, consistent with SMC 17C.355A.050. – Discussed in SMC 17C.355A.050 above.*
 2. *Towers in a residential zone or within 150 feet of a residential zone.*
 - a. *In this situation, the entire search ring with in or within 150' of a residential zone. The existing structures of significant height are Rogers high school and to a lesser degree, the water department building. The high school would have been perfect, but we were not able to obtain authorization from the school district. The Water Department building is too low, on the edge of the search ring and authorization was denied by the Water Department. The Crown Castle flag pole doesn't have space available and it too was on the edge of the search ring.*
 3. *Required description of coverage objectives – Letter and exhibits from a Verizon Engineer are attached.*
- G. *DAS and small cells. As outlined in SMC 17C.355A.010, the City encourages, but it does not require, the use of DAS and small cells. Each applicant will submit a statement that explains how it arrived at the structure and design being proposed.*

Comment by applicant: Verizon Wireless is committed to developing small cells in the Spokane area and has several in process. In this specific situation the Verizon

Engineer states in his letter that the need for a solution is high and a macro site is more appropriate. The letter is attached.

H. *Radio frequency emissions compliance report.* – Letter from Verizon Wireless is Attached *E.H.D.*

I. *Noise Study.* – The WCF is quiet except for a backup emergency generator that will run for 20 mins per week during daylight hours and during power outages. The backup generator will keep the WCF operational during power outages and benefit the health, welfare and safety of the community.

The City of Spokane Code 10.08D.040 Exemptions: The City exempts from the provisions of this chapter those sounds set forth in WAC 173-60-050 unless otherwise specially prohibited under this chapter.

WAC 173-60-050 Exemptions. 4 (f) Sounds created by emergency equipment and work necessary in the interests of law enforcement **or for health safety or welfare of the community.** (bold added for emphasis by applicant)

J. *Collocation consent.* – attached

Section 17C.355A.070 General Development Standards Applicable to WCF's

A. *Height* – SMC Table 17C.355A-1 and 2 - allows for a 60' stealth WCF pole

B. *Setback Requirements.* – The ground equipment meets the setback requirements of the zone and the tower will be constructed with breakpoint design technology. The 60' tall mono-fir will have breakpoint technology at the 40' level of the tower. 110% of 20' is 22' setback for the proposed mono-fir. The tower will be designed by a structural engineer.

* C. *Landscaping.* - All landscaping shall be installed and maintained in accordance with SMC. Fencing shall be wooden per SMC. Note; at the Community Meeting local residents requested a chain link fence so that people could not hide behind it. This is a request to reduce criminal activity in the area.

D. *Visual impact.* - The proposed WCF will have stealth technology, a wooden fence and perimeter landscaping.

E. *Use of Stealth Design/Technology.* – Stealth technology is proposed for this project.

F. *Lighting.* – No FCC/FAA lighting will be used at this site. Security lighting will be used only when a technician is working at the site.

- G. *Noise.* – The proposed project is quiet, does not have air conditioning units or heaters that produce noise. The backup emergency generator is muffled and meets the applicable limits established in SMC 10.08D.070 as referenced to WAC 173-60-050. Emergency equipment necessary for the health safety or welfare of the community is exempt from the noise standard. The emergency backup generator will only run about 20 mins per week during daylight hours and during power outages. The backup emergency generator will ensure that Verizon Wireless communications facilities are operational during power outages. This is important because half of the population have dropped their landline and use wireless phones are their only form of communication.
- H. *Signage.* – No signage or advertisements other than signage required by law or expressly permitted/required by the City will be at the site/tower.
- I. *Code Compliance.* – understood
- J. *Building – mounted WCFs.* – N/A
- K. *WCFs in the public rights-of-way* – N/A
- L. *Accessory Equipment.* – All accessory equipment will be hidden behind a wooden fence and perimeter landscaping per SMC.
- M. *Spacing of Towers.* – Paragraph A, page 5 above discusses existing collocation opportunities. This and the letter/exhibits provided by the Verizon Wireless radio frequency engineer describe why the proposed location is critical to the wireless network in the area.
- N. *Site Design Flexibility.* – This is the least intrusive design available to serve the area around Rogers high school.
- O. *Structural Assessment.* – Verizon Wireless conducts a structural assessment of all of its towers/mono-firs and will provide one that is stamped by a PE licensed in the State of Washington at the time it submits for a building permit.

By: Rod Michaelis on behalf of Verizon Wireless - 01-05-2018



Concurrency Requirements

SPO Nevada – Proposed Verizon Wireless WCF – 1409 E. Wellesley in a vacant lot

The proposed project is non-staffed and will not have on-site sewer. The Applicant's answers are noted next to each section.

Section 17D.010.010 Applicability. –

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The following facilities and services must be evaluated for concurrency:

PLANNING & DEVELOPMENT

- A. *Transportation*; - after construction there will approximately 1 vehicle trip per month to the WCF by a Verizon Wireless technician.
- B. *Public water*; - water will be needed for landscaping only.
- C. *Fire protection*; - usual and customary fire protection
- D. *Police protection*; - usual and customary police protection
- E. *Parks and recreation*; - no impact
- F. *Library*; - no impact
- G. *Solid waste disposal and recycling*; - no impact
- H. *Schools*; - no impact
- I. *Public wastewater (sewer and stormwater)*. – no impact

Date Passed: Monday, February 21, 2005



Rod Michaelis
1-23-2018

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City of Spokane Comprehensive Plan
Proposed WCF at 1409 E Wellesley Ave.
January 28, 2018 – by Applicant – Rod Michaelis

The proposed WCF by Verizon Wireless is consistent with the comprehensive plan designation and goals, objectives and policies for the property as shown below. Chapters 7 and 5 of the City of Spokane Comprehensive Plan are discussed below.

Chapter 7 -Economic Development

Chapter 7- of the comprehensive plan strongly supports improved telecommunications, teleworking as described below. The proposed WCF will provide much faster data rates that support home-based business and those that work from home.

ED 3.7 Home-Based Businesses Encourage opportunities for teleworking and home businesses that are compatible with residential neighborhoods. Discussion: More people are working from their homes, a trend that results from shifts in the economy toward services, corporate downsizing, and improved telecommunications. Teleworking and appropriate home-based businesses can produce many benefits and new business opportunities such as information technology development, reduced traffic congestion, and reduced air pollution. Development regulations should minimize the potential for negative impacts from home businesses by limiting signs, maintaining the residential appearance of neighborhoods, requiring adequate parking while ensuring that parking and traffic generation fits into the neighborhood and is not excessive, limiting truck deliveries, and appropriately managing other potential adverse impacts.

Comment: The proposed WCF will support broad base improvement in Spokane's communications infrastructure and state of the art communication facilities, specifically near Rogers high school.

ED 3.8 Technology-Based Industries Encourage the development of advanced and emerging technology-based industries. Discussion: Because of the continued expansion of technology-based industries and the higher paying jobs associated with them, advanced-technology firms can potentially create new jobs while increasing wealth. The most urgent need of the tech industry is a highly skilled workforce. The city should provide an environment that attracts a quality workforce looking for a community that exhibits a high quality of life by designating areas for high-tech business development, especially in centers, that include supportive infrastructure and state-of-the-art communication facilities.

Comment: The proposed WCF is sophisticated state of the art communication facilities that is part of the larger Verizon Wireless network that is used by business, suppliers, and customers throughout the Spokane area. People who work in the technology business expect to have state of the art wireless communications available where they work and where they live.

ED 6.1 Infrastructure Projects Promote infrastructure projects that enhance the city's quality of life and business climate. Discussion: Basic services and facilities are necessary for a community to enter the competitive arena for new investment. Expenditures to maintain and right-size adequate infrastructure and community services are necessary and indicate a city's commitment to its quality of life. Citywide infrastructure improvements and community services keep the city and its commerce running efficiently.

Comment: This proposed WCF is part of a citywide infrastructure improvement of communications facilities and supports the city's commitment to its quality of life. This project will help keep commerce running efficiently.

ED 6.3 Communication Facilities and Networks Support the expansion and development of sophisticated communication facilities and networks required by industries that use advanced technology.

Comment: The proposed WCF is an integral part of the Verizon Wireless network expansion that supports business, services and industries that demand wireless coverage with high data speeds throughout the city.

Chapter 5 -Capital Facilities and Utilities

5.1 INTRODUCTION Capital facilities and utilities provide services that are essential to a community and its ability to grow in the future. Capital facilities consist of facilities owned by public entities, such as water and sewer systems and fire and police stations. Utilities consist of electrical lines, telecommunication lines, and gas lines. The purpose of this chapter is to guide the coordination of anticipated growth and development of these crucial services.

Comment: Per 5.1 above, telecommunications are considered a crucial service. The proposed WCF is designed to meet the increasing demand for better wireless services that essential to the health, safety and welfare of its residents.

5.3 GOALS AND POLICIES Goals and policies provide specificity for planning and decision-making. Overall, they indicate desired directions, accomplishments, or aims in relation to the growth and development of Spokane.

Comment: The proposed WCF is a direct result of planning and decision making to provide for the growth and development of Spokane.

5.3 goal - CFU 1.5: Utility Construction Standards Ensure that construction standards for public and private utilities are adequate to withstand the anticipated frequency and severity of natural and man-made hazards.

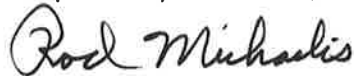
Comment: This proposed WCF is designed to handle the wind and ice loading for the area and has a backup emergency generator to provide communications during natural and man-made disasters/hazards. Approximately, 50% of households do not have telephone landlines and rely

exclusively on wireless communications including during emergencies. This project meets CFU 1.5 above.

CFU 5.7: Telecommunication Structures Use existing structures to support telecommunication facilities before new towers or stand-alone facilities are constructed. Discussion: Since urban land is at a premium, it should be consumed as efficiently and effectively as possible. For this reason, it is the policy of the City of Spokane to minimize the number of wireless communication support towers and to encourage the co-location of antenna arrays of more than one wireless communication service provider on a single support tower. In addition, existing structures such as buildings or water towers should be fully utilized as support sites for telecommunication facilities before new towers are built. To assist in the implementation of this policy, the city will pursue all reasonable strategies to promote co-location agreements between multiple wireless communication service providers.

Comment: The applicant pursued placing its antennas on Rogers high school, the only tall building in the area, but was denied by School District 81. A memo from Spokane Schools is part of this package. The other options were located too far from the center of the search ring put were actively pursued as possible solutions including the flag pole at Crestline and Wellesley, and the nearby building owned by the city of Spokane. The flag pole didn't have capacity for another set of antennas and related equipment. A memo from Crown Castle is part of this package. The city water department was not interested in placing equipment on its building on Crestline.

Respectively submitted,

A handwritten signature in cursive script that reads "Rod Michaelis". The signature is written in black ink and is positioned above the printed name.

Rod Michaelis