



City and Borough of Sitka

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Coast Guard City, USA

Planning and Community Development Department

AGENDA ITEM

Case No: V 22-04
Proposal: Increase maximum height from 40' to 110' for communication tower
Applicant: New Horizons Telecom, Inc.
Owner: University of Alaska Southeast
Location: 1332 Seward Avenue
Legal: Tracts D & E according to Plat No. 92-19
Zone: P – Public Lands District
Size: 277,912.8 square feet
Parcel ID: 1-9100-000
Existing Use: University parking
Adjacent Use: University and High School
Utilities: Existing
Access: Seward Avenue

KEY POINTS AND CONCERNS

- Item came before the Commission on February 2, 2022 meeting and was postponed to allow for consideration of potential impacts to aviation
- Applicants have provided FAA Determination of No Hazard to Air Navigation
- Staff has expanded notification to include aviation operators in the vicinity
- Sitka General Code sets a maximum allowable height in the Public Lands district at 40'
- 110' tower will allow anchor tenant, Verizon Wireless, to significantly increase their coverage of surrounding area
- Tower design will allow for future collocations by other providers, further increasing competitive telecommunication service

ATTACHMENTS

Attachment A: Aerial
Attachment B: Site Plans
Attachment C: Elevation
Attachment D: Coverage Maps
Attachment E: FAA Letter
Attachment F: Plat
Attachment G: Photos
Attachment H: Applicant Materials

BACKGROUND/PROJECT DESCRIPTION

The request is to increase the maximum allowable height of principle structures from 40' to 110' in the Public Lands district at 1332 Seward Avenue for the placement of a communications tower. The proposal would allow the anchor tenant, Verizon Wireless, to fill a gap in coverage on Japonski Island. The maximum height of a principal structure in the Public Lands district is 40'. The proposal for a 110' tower would allow for appropriate antenna height for optimized coverage. This permanent tower will replace the existing cell tower on wheels that had been temporarily placed on site as the applicant pursued development of the proposed tower. It is for this reason that the applicant requests a height variance.

This request came before the Commission on February 2, 2022, when the item was postponed to give staff and applicants time to address the Commission concerns regarding potential impacts to aviation. In response to these concerns, staff has notified aviation operators in the vicinity to allow for comment. The applicants have provided a letter indicating a Determination of No Hazard to Air Navigation from the FAA which has been included to this application.

ANALYSIS

The Sitka General Code limits the maximum height of principal structures to 40' in the Public Lands district¹. The Code states that communications towers or antenna requests to exceed the height limit require the granting of a variance².

Alaska Statute 29.40.040(b)(3) states that a variance may not be granted solely to relieve financial hardship or inconvenience. A required finding for variances involving major structures or expansions in the Sitka General Code echoes this statement by stating that there must be "...special circumstances to the intended use that do not apply generally to the other properties. Special circumstances may include the shape of the parcel, topography of the lot, the size or dimensions of the parcels, the orientation or placement of existing structures, or other circumstances that are outside the control of the property owner". In this case, the applicant's ability to provide cellular

¹ SGC Table 22.20-1

² SGC 22.20.055

and wireless coverage is dependent upon the height of the proposed structure and can therefore be considered a special circumstance that is unique to the proposed use.

Potential Impacts

Granting of this variance is likely to result in minimal impact to surrounding uses. The proposed location at the northwestern side of the university is removed from primary vehicular and pedestrian use of the parking lot. The request to increase the maximum height allowance to 110' can be justified by the allowance of requests in excess of the proposed 110' made for communication towers at other locations. For comparison, the communication tower at 1000 Raptor Way is approximately 130'.

Comprehensive Plan Guidance

While the Comprehensive Plan does not specifically address telecommunications infrastructure, Comprehensive Plan support for this proposal can be found in actions ED 5.3 to “maintain well-functioning infrastructure upon which commerce and economic activity depend” and LU 8.2 to “amend development standards to promote affordable development including increasing height, decreasing minimum lot size and width, establishing lot and structure maximums in specific zones, and reducing parking requirements as appropriate.” Granting of this variance would increase Sitka’s cross-network telecommunications coverage, which would benefit both commercial and personal use of cellular and wireless infrastructure.

RECOMMENDATION

The Planning Department recommends approval of the request for a maximum allowable height increase from 40' to 110' at 1332 Seward Avenue. Potential impacts are minimal, and the proposal will allow for increased telecommunications infrastructure where a gap has been identified.

Motions in favor of approval

- 1) **“I move to approve the variance for an increase in the maximum height of principal structures at 1332 Seward Avenue in the Public Lands district. The property is also known as Tracts D & E, according to Plat 92-19. The request is filed by New Horizons Telecom, Inc. The owner of record is University of Alaska Southeast.”**
- 2) **“I move to adopt and approve the required findings for variances involving major structures or expansions as listed in the staff report.”**

Before any variance is granted, it shall be shown³:

- a. **That there are special circumstances to the intended use that do not apply generally to the other properties. Special circumstances may include the shape of the parcel, the topography of the lot, the size or dimensions of the parcels, the orientation or placement of existing structures, or other circumstances that are outside the control of the property owner;**
- b. **The variance is necessary for the preservation and enjoyment of a substantial property right or use possessed by other properties but are denied to this parcel; such uses may include the placement of garages or the expansion of structures that are commonly constructed on other parcels in the vicinity;**
- c. **That the granting of such a variance will not be materially detrimental to the public welfare or injurious to the property, nearby parcels or public infrastructure;**
- d. **That the granting of such a variance will not adversely affect the comprehensive plan.**

³ Section 22.30.160(D)(1)—Required Findings for Major Variances