

**DECISION ON CONDITIONAL USE PERMIT
FILE NO. Z1500021CEL2**

I. SUMMARY OF REQUEST AND RECOMMENDATIONS:

DESCRIPTION OF PROPOSAL: The applicant, Verizon Wireless, on behalf of the property owner, has requested approval of an Administrative Conditional Use Permit (Type II) from the City Planning and Development Director to allow the construction of a new 70-foot monopine type wireless communication support structure, which employs stealth technology, and supporting ground equipment in a commercial zone located at 420 E. Riverside Avenue, Spokane, WA.

Staff approves this application with conditions.

II. GENERAL INFORMATION:

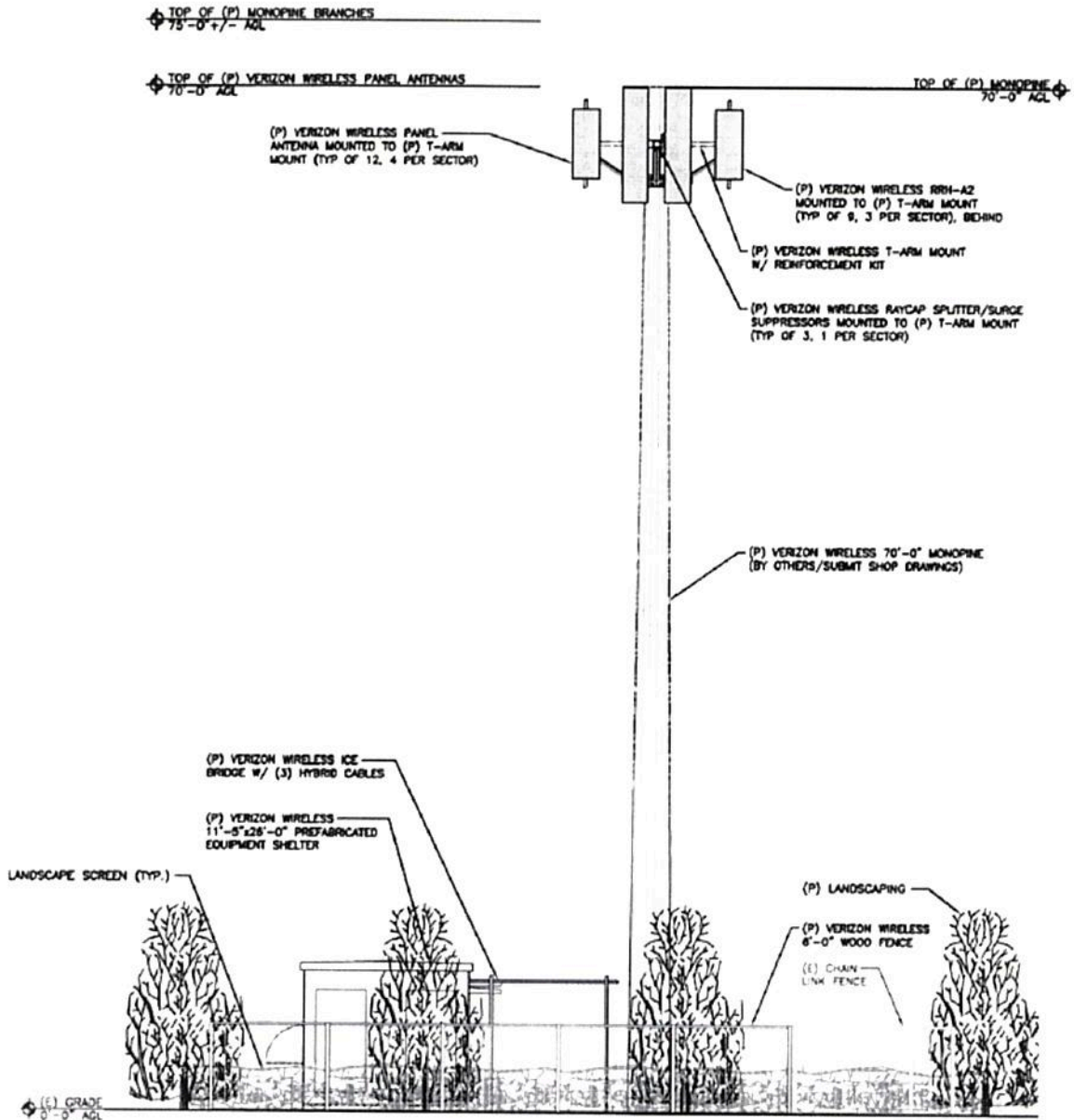
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|-------------------------------|---|
| A. Applicant: | Verizon Wireless
One Verizon Way (Mailstop 4AW100)
Basking Ridge, NJ 07920 |
| B. Agent: | Lexcom Development, Inc.
c/o Andy Hambright
617 8 th Avenue South
Seattle, WA 98104 |
| C. Property Owner(s): | Michael W. Rohme
415 E. Sprague
Spokane, WA 99202 |
| D. Location of Proposal: | 420 E. Riverside Avenue
Spokane, WA 99202 |
| E. Existing Zoning: | "GC-150" (General Commercial – 150'
Height Limit) |
| E. Land Use Plan Designation: | Commercial |
| F. SEPA Status: | DNS – October 1, 2015 |
| G. Enabling Zoning: | SMC 17G.060.170 – Decision Criteria
and SMC 17C.355 – Wireless
Communication Facilities |
| H. Decision Date: | October 5, 2015 |
| I. Staff Contact: | Dave Compton |

III. FINDINGS OF FACT:

- A. Site Description: The subject parcel consist of four underlying lots dimensioned at 25 foot in width by 90 foot in depth with an additional 10 feet of vacated alley attached to each. It is currently a vacant lot fronting Riverside Avenue that currently is unimproved. The topography of the proposal site is relatively flat.



- B. Project Description: The applicant has submitted a Conditional Use Permit – Type II application to construct a new 70 foot wireless communication tower (monopine with stealth technology) and accessory ground support equipment within a fenced and landscaped area on a vacant parcel east of the Downtown core.



- C. Surrounding Zoning: General Commercial (GC) abuts the proposal on all boundaries. To the north and across the railroad tracks the Downtown University (DTU) zone begins.

- D. Zoning History: The subject property has been zoned General Commercial-150 since June 2005 with the adoption of the current commercial development regulations. Prior to that it was designated GC (General Commercial) zoning without the 150 foot height limit designation.
- E. Adjacent Land Use: The adjacent land use follows the same boundary as the above mentioned zoning categories within the proposal site area.
- F. Applicable Zoning Regulations: SMC 17C.120, Commercial Zones; SMC 17C.355; Wireless Communication Facilities and SMC 17G.060.170; Decision Criteria.
- G. Procedural Requirements:
- Application was submitted on March 3, 2015;
 - Applicant was notified in writing on May 29, 2015 of technically complete status of the application, and then again on July 24, 2015 due to revisions made;
 - Notice of Application was mailed to adjacent property owners and occupants within 400 feet of the proposal and a sign posted on the subject property on September 15, 2015 which began the 15-day public comment period;
 - SEPA Determination of Non-significance issued on October 1, 2015.

IV. **DEPARTMENT REPORTS:**

Notice of this proposal was sent to City departments and outside agencies for their review and comments. Their comments are included with the file and are made part of this application by reference.

V. **CONCLUSIONS**

SMC 17G.060.170 Decision Criteria

A. Criteria.

The intent of the below listed decision criteria procedure is to determine the conditions under which a use may be permitted. Type II or III applications are subject to specific review during which conditions may be imposed to assure compatibility of the use with other uses permitted in the surrounding area. A Type II or Type III Conditional Use Permit may be granted only if the following facts and conditions are found to exist:

1. *The proposal is allowed under the provisions of the land use codes.*

Wireless Communication Facilities are either permitted outright or require a Type II or Type III Conditional Use Permit (CUP) based on location and type of facility. For this application to be allowed in this commercial zoned location a Type II Conditional Use Permit (CUP) is required if it did not exceed sixty (70') feet in height. Development standards found in Spokane Municipal Code (SMC) 17C.355 – Wireless Communication Facilities must be adhered to and completed prior to the issuance of a certificate of occupancy from the Building Department. The application meets all requirements listed under the above mentioned SMC section.

2. *The proposal is consistent with the comprehensive plan designation and goals, objectives and policies for the property.*

The applicant did not list any specific Comprehensive Plan goals and policies by element or express how they are applicable to this proposal (see applicant's responses #2 on the CUP application). Staff notes the following goals and policies that pertain to this application; (1) CFU 3.4 - Natural and Man-Made Disasters and (2) CFU 5.7 - Telecommunication Structures. Both are found in the Capital Facilities and Utilities chapter. These focus on one: being able to provide communications necessary for first responders by having backup generators on site in the event of a power outage cause by natural or man-made disasters and two: by controlling the visual impact of such facilities by insuring the efficiency of their placement and minimizing the number of such sites through measures such as co-location on existing facilities. The applicant addresses this concern and reasons for erecting a new wireless communication tower due to the inability to co-locate their facilities on an existing tower which are inside the one-half mile buffer area that would have prohibited any new standalone tower. Neither was there any city nor publicly owned buildings or structures found that could have accommodated the proposal's needs. The applicant notes in the SEPA checklist that this new tower will be designed to accommodate their proposal and additional carriers in the future. (3) ED 6.4 – Communications Facilities and Networks in that this new tower will aid in allowing the latest technology to be made available to local residents, educational facilities, and businesses that encourage growth in the economic sector that use or rely on it. Here the University District will benefit greatly with the installation of this proposal (4) there is also further discussion found in the Urban Design and Historic Preservation Element in Chapter 8. There DP 3.17 – Telecommunication Facilities discusses controlling the visual impact of such facilities by insuring the efficiency their placement and minimizing the number of such sites through such measures as co-location on existing facilities. This goal was previously mentioned in CFU 5.7 above. (5) Lastly staff notes there is discussion in Chapter 4 – Transportation. Though there is not a specific goal or policy in this chapter, it covers a broad range of topics such as wireless

communication in general reducing the need for many people to travel by auto or other means to various destinations to conduct business or other day to day activities. This in turn reduces the number of people on the roadways and helps lower congestion.

3. *The proposal meets the concurrency requirements of SMC Chapter 17D.010.*

All applicable city departments and agencies had the opportunity to review this proposal with no one denying concurrency. The applicant submitted a SEPA Environmental Checklist and it was reviewed for compliance by all departments and agencies. A Determination of Non-significance (DNS) was issued on October 1, 2015. The applicant gives comment within the CUP application that there will not be any impacts on any city services and that the site will be unmanned and only require electrical power from Avista.

4. *If approval of a site plan is required, the property is suitable for the proposed use and site plan considering the 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.*

The site area is suitable for development according to all city departments and agencies that commented. This site is free from critical areas according to available data. The proposal does not conflict substantially with adjacent land uses, is readily accessible to adequate transportation, utility, and service systems. All development will be required to meet any commercial and applicable development standards as directed in the SMC 17C.355 – Wireless Communication Facilities. This proposal must also comply with any and all county, state, or federal regulations applicable to it currently or in the future. Conditions of approval will be listed at the end of this staff report. These and additional recommendations from agencies are located in the file of record. A Cultural Resources Survey was conducted by the Spokane Tribe of Indians on May 13, 2015 and a report issued. Based on the results of the survey it concluded that this proposal would not have any adverse effect on cultural resources and it may precede without any additional cultural resources considerations. No other known historical or cultural features are known to exist within the site area. Please reference the applicant's response to this (#4) on the CUP application.

5. *The proposal will not have a significant adverse impact on the environment or the surrounding properties, and if necessary conditions 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.*

Please reference the applicant's response to this (#5) on the CUP application. A small amount of comment was received from the public during this process opposing or questioning the proposal. The main comment focused on the relationship of this project to the proposed construction of the pedestrian bridge over the railroad tracks that will connect the University District to an area very close to this proposal. Most of the comments were received prior to the revised plans submitted that changed the towers appearance from a standard monopole version to a stealth designed monopine. One letter of support was received nothing that this proposal is a much needed addition to the South University District Neighborhood and serve the growing needs for technology needed in the area.

B. Time Limitation.

*A CUP (type II or type III) application automatically expires and becomes void if the applicant fails to apply for a building permit within **three** years of the effective date of the CUP.*

STAFF CONCLUSION: The staff recommends approval of the requested Type II Conditional Use Permit.

VI: Recommendations

The staff recommends approval of the proposal subject to the following conditions:

1. Adhere to all development standards outlined in Spokane Municipal Code (SMC) 17C.355 – Wireless Communication Facilities (setbacks, screening, lighting, landscaping and the continued maintenance of such).
2. Any wireless communication facility that is no longer needed and its use is discontinued shall be reported immediately by the service provider to the Planning and Development Director. Discontinued facilities shall be completely removed within six months and the site restored to its pre-existing condition.
3. At the time of application for building permit, the proponent shall provide the City of Spokane with copies of the approved F.C.C. permit application, a visual impact analysis, or other visual representation, and all supporting document.
4. All surface drainage must be disposed of on-site in accordance with the Spokane Regional Stormwater Manual.
5. Adhere to any additional performance and development standards documented in comment or required by City of Spokane, Spokane County Washington State, and any Federal agency.

NOTICE OF RIGHT TO APPEAL

Appeals or requests for reconsideration of decisions by the Planning and Development Director are governed by Spokane Municipal Code 17G.060.210 - Appeals. Decisions of the Planning and Development Director regarding Type I or II applications are final unless appealed to the City of Spokane Hearing Examiner. All appeals must be filed with Planning and Development within fourteen (14) calendar days of the date of the decision. All requests for reconsideration must be filed with Planning and Development within seven (7) days of the date of the decision. The date of the decision is October 5, 2015. **THE DATE OF THE LAST DAY TO APPEAL IS THE 19th DAY OF OCTOBER 2015 AT 5:00 P.M.** In addition to paying the appeal fee to appeal the decision, the ordinance requires payment of a transcript fee to the City of Spokane to cover the costs of preparing any required transcripts.


Louis Meuler, Interim Director
Planning and Development

By: Dave Compton, Assistant Planner ^{DBK}
Planning and Development

October 5, 2015