

**DECISION ON CONDITIONAL USE PERMIT  
FILE NO. Z19-466CEL2**

**I. SUMMARY OF REQUEST AND RECOMMENDATIONS:**

**DESCRIPTION OF PROPOSAL:** The applicant, Verizon, 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 place a 70-foot wireless communication tower (monopole) and associated ground equipment with fencing and landscaping on site in a commercial zone.

Staff approves this application with conditions.

**II. GENERAL INFORMATION:**

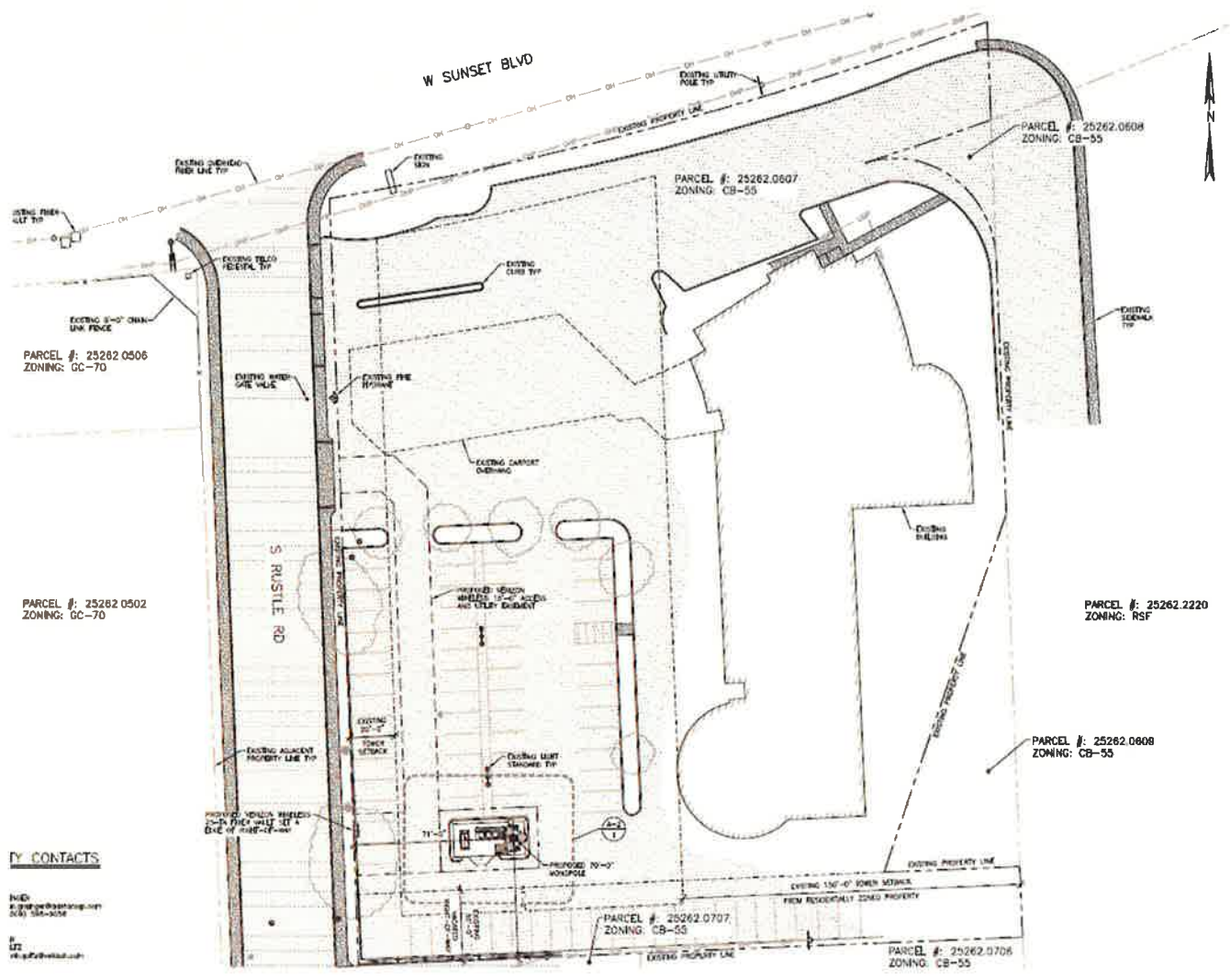
- |                               |  |
|-------------------------------|--|
| A. Applicant:                 | Verizon Wireless<br>Attn: Rena Payton<br>3245 158 <sup>th</sup> Ave. SE, M/S 231<br>Bellevue, WA 98009<br>(425) 603-2272 |
| B. Agent:                     | Lynx Consulting<br>Attn: Patrick Evans<br>17311 135 <sup>th</sup> Ave. NE, Ste. 100<br>Woodinville, WA 98072             |
| C. Property Owner:            | Surmonhin Hotel, LLC<br>4301 W. Sunset Blvd.<br>Spokane, WA 99224  |
| D. Location of Proposal:      | 4301 W. Sunset Blvd<br>Spokane, WA 99208   |
| E. Existing Zoning:           | "CB-55" (Community Business - 55' Building Height Limit)   |
| E. Land Use Plan Designation: | Commercial   |
| F. SEPA Status:               | DNS – January 31, 2020   |
| G. Enabling Zoning:           | SMC 17G.060.170 – Decision Criteria and<br>SMC 17C.355A – Wireless Communication Facilities                              |
| H. Decision Date:             | February 10, 2020  |
| I. Staff Contact:             | Dave Compton   |

**III. FINDINGS OF FACT:**

- A. Site Description: The proposed project area will be located in the parking lot on the west side of an existing hotel which is on the south side Sunset Blvd, a major arterial, and east of Rustle Way, a minor arterial, in west Spokane. The hotel property is approximately 2.26 acres and is relatively flat.

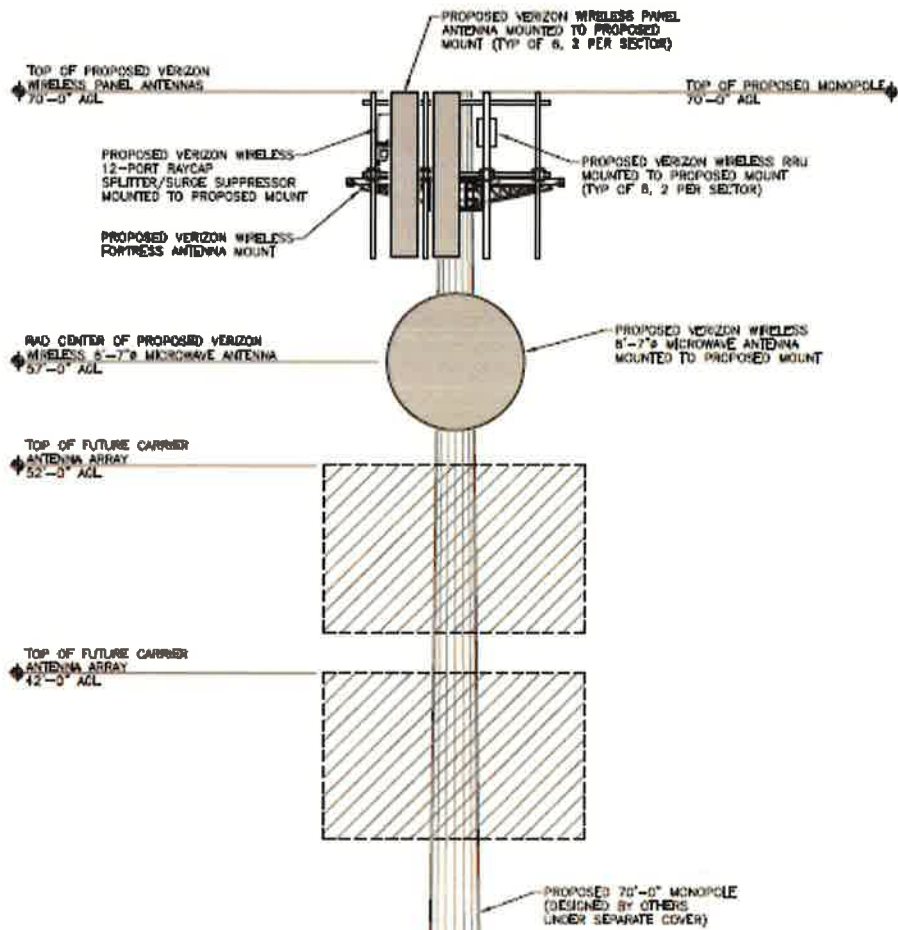


- B. Project Description: The applicant has submitted an application to erect a 70-foot wireless communication tower within a 34 x 34 square foot leased area that will be fenced and landscaped. A Type II Conditional Use Permit from the Planning and Development Director is required. The proposal doesn't require stealth technology since it will be more than 150 feet away from a residential zone.



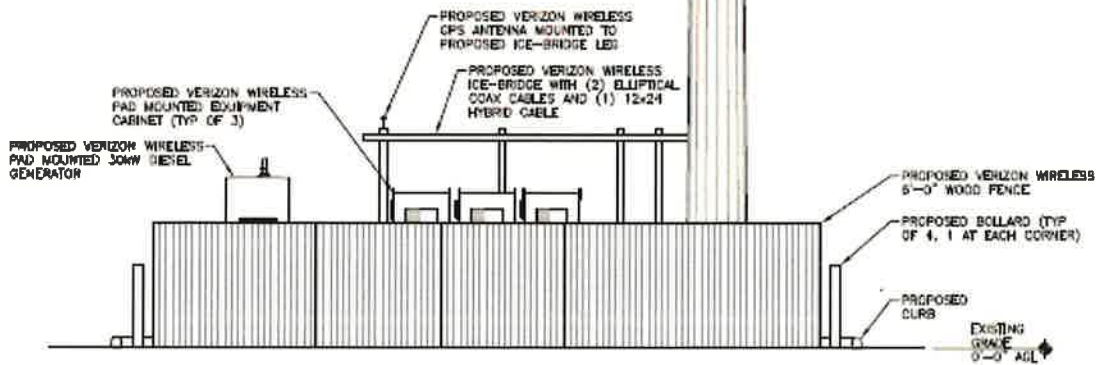
**BY CONTACTS**

NED:  
 ned@washington.com  
 202.333.3333  
 JJ:  
 jj@washington.com



**NOTES:**

1. NO WORK SHALL COMMENCE WITHOUT THE APPROVED STRUCTURAL ANALYSIS REPORT (SIGNED AND SEALED), PROVIDED BY OTHERS UNDER SEPARATE COVER. PRIOR TO THE INSTALLATION OF ALL TOWER MOUNTED EQUIPMENT AND CABLES, THE CONTRACTOR SHALL REVIEW THE APPROVED STRUCTURAL ANALYSIS AND MODIFY, IF REQUIRED, ALL APPLICABLE MEMBERS AS REQUIRED BY THE CERTIFIED STRUCTURAL REPORT.
2. THE CONTRACTOR SHALL INSPECT THE TOWER AND MAKE THE ENGINEER OF RECORD AWARE OF ANY DEFECTS OR DISCREPANCIES FROM THE APPROVED PLANS.
3. THE CONTRACTOR SHALL INSTALL ALL EQUIPMENT PER THE MANUFACTURER'S SPECIFICATIONS.



- C. Surrounding Zoning: Community Business (CB-55) to the north and south, General Commercial (GC-70) to the west, and Residential Single-Family (RSF) on east. The 55 and 70 are the maximum height designations.
- D. Zoning History: The subject property has been zoned Community Business - 55 since June 2005 with the adoption of the current commercial development regulations. Prior to that it was designated CB (Community Business) zoning.
- E. Adjacent Land Use: The adjacent land use follows the same boundary as the above mentioned zoning categories within the proposal site area, that being Commercial and Residential 4-10.
- F. Applicable Zoning Regulations: SMC 17C.120, Commercial Zones; SMC 17C.355A; Wireless Communication Facilities and SMC 17G.060.170; Decision Criteria.
- G. Procedural Requirements:
- Application was submitted on October 7, 2019;
  - Applicant was notified in writing on December 3, 2019 of technically complete status of the application,
  - Notice of Application was posted on the subject property, and mailed to adjacent property owners and occupants within 400 feet of the proposal, on December 10th and 15th, 2019 respectively which began the 15-day public comment period;
  - SEPA Determination of Non-significance issued on January 31, 2020.

#### **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 proposal to be allowed in this commercially zoned location a Type II Conditional Use Permit (CUP) is required and does not exceed seventy (70') feet. Stealth technology is not required as it is located more than 150 feet from a residential zone. Development standards found in Spokane Municipal Code (SMC) 17C.355A – 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 listed Comprehensive Plan goals and policies from the Land Use Chapter (3) and expressed how they were applicable to this proposal in their response in the CUP application (#2). Staff finds those applicable and the following as noted in the latest version of the Comprehensive Plan.

The proposed structure is consistent with the comprehensive plan designation and goals, objectives and policies for the property, specifically in Chapter 5 Capital Facilities and Utilities, Sections; CFU 3.4 Natural and Man-Made Disasters, CFU 5.7 Telecommunication Structures; Chapter 7 Economic Development, section ED 6.3 Communication Facilities and Networks; and Chapter 8 Urban Design and Historic Preservation, Section DP 2.20 Telecommunication Facilities.

The proposed structure meets Chapter 5 Capital Facilities and Utilities, Section CFU 3.4 Natural and Man-Made Disasters states in that the proposed public service in the event of a power outage caused by natural or man-made disaster will have a backup generator in place. Section CFU 5.7 Telecommunication Structures states the use of existing structures to support telecommunication facilities should be used first before new or stand-alone facilities are constructed. An existing wireless communication structure is not located within a ½ mile radius of the proposed facility, however there is an emergency communications tower approximately ½ mile from this proposal that one might think is a cell tower but not, thus allowing this new wireless facility at this location. The proposed structure will also allow accommodation for future co-locations that will minimize the need for additional towers in the future. Chapter 7 Economic Development, Section ED 6.3 Communication Facilities and Networks states the proposed structure should support the expansion and development of communication facilities required by industries that use high technology. The proposed facility will improve and expand the existing communication network to local business and residences in the immediate area while encouraging growth in the economy. Chapter 8 Urban

Design and Historic Preservation states the proposed structure should have minimal visual impact. The structure is a minimum of ½ mile from an existing telecommunication facility and is placed in the most efficient and effective location as possible. The facility will have the ability for future co-location and will use, landscaping, and screening techniques to minimize impact.

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 notes they will engineer this tower to accommodate additional carriers in the future. (3) ED 6.3 – 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. (4) There is also further discussion found in the Urban Design and Historic Preservation Element in Chapter 8. There DP 2.20 – 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 that though there is no longer discussion in Chapter 4 – Transportation, adequate wireless communication facilities in general reduces 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 only comment received was from City Engineering concerning the placement of the tower and a vacated Right of Way (ROW) easement reserved for future public and private utilities. From this, the tower was relocated outside of that easement and approved by Engineering. Planning Services will have conditions of approval though at the end of this decision.

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 January 31, 2020. The applicant gives comment within the CUP application that there will not be any impacts on any city services. The site will be unmanned and only require electrical power from Avista and water for irrigation from the property owner who receives it from the city.



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. Any conditions of approval will be listed at the end of this staff report. No known historical or cultural features are known to exist within the site area. Though the Spokane Tribe of Indians did not submit any comments to our office, a standard recommendation of theirs is listed as a condition of approval. Please reference the applicant's response to this criteria (#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.*

Written comments were received from two individuals during the public comment period; one being from the West Hills Neighborhood Council Chair and the other from a business owner across Sunset Blvd to the north. The business owner voiced his concerns on the tower exceeding the 55 foot height limit for the area, that it borders a residential zone and encouraged additional research on stormwater management for the area. Answers for these are as follows: Though the building height in the zone is 55 feet, wireless communication towers are allowed by the SMC to be up to 70 feet in this zone with a Type II CUP. This proposal is not required to deploy stealth technology since this proposal is located more than 150 feet from a residential zone. City Engineering did not have any issues with stormwater management for this proposal or the surrounding area. This concern was also brought up by the Neighborhood Chair. The applicant states that siting of this project will not affect stormwater management of the entire site as originally approved and City Engineering as mentioned earlier did not voice any concerns on this issue. Please reference the applicant's response to this criteria (#5) on the CUP application.



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.355A – 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. All surface drainage must be disposed of on-site in accordance with the Spokane Regional Stormwater Manual.
4. Notify a tribal archaeologist if any evidence of Native American importance is found during any excavation activity. Pursuant to RCW 27.53.060 it's unlawful to destroy any historic or prehistoric archaeological resources.
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 June 20, 2019. **THE DATE OF THE LAST DAY TO APPEAL IS THE 24th DAY OF FEBRUARY 2020 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 *lm*  
Planning and Development

By: Dave Compton, Assistant Planner *DSC*  
Planning and Development

February 11, 2020