

CITY OF SPOKANE HEARING EXAMINER

Re: Shoreline Substantial Development) FINDINGS, CONCLUSIONS,
Conditional Use Permit Application by) AND DECISION
Daniel Garabedian for property located)
at 2306 East South Riverton)
) FILE NO. Z2008-59-SL

SUMMARY OF PROPOSAL AND DECISION

Proposal: The applicant seeks a shoreline substantial development conditional use permit in order to allow the construction of a six unit townhouse building.

Decision: Approval, subject to conditions.

FINDINGS OF FACT
BACKGROUND INFORMATION

Applicant: Daniel Garabedian
P.O. Box 3005
Spokane, WA 99223

Property Address: 2306 East South Riverton in the City and County of Spokane, Washington

Property Location: The property is located on the southeast corner of Stone Street and East South Riverton in the City of Spokane, Washington.

Legal Description: A full legal description is in the record as Exhibit #2C.

Zoning: RMF (Residential Multifamily)

Comprehensive Plan Map Designation: The Comprehensive Plan designates this property as R15-30.

Site Description: After a boundary line adjustment was completed by the applicant, the site is "L" shaped and contains approximately 10,627 square feet in area. It is currently occupied with a single family residence which will be removed. The site is reasonably flat.

There is also an access and parking easement across the south side of the property in order to provide vehicle access and parking for the triplex which exists on the adjacent lot.

Surrounding Conditions: The site fronts on South Riverton and across South Riverton there is a trail along the Spokane River. The zoning along South Riverton is Residential Multifamily in all directions with single family located further to the south. There are still some single family residences along South Riverton in this area but most of the property is developed with multifamily structures. South Riverton is designated as a Neighborhood Collector Arterial in the City's Arterial Street plan.

Project Description: The applicant seeks a Shoreline Conditional Use Permit in order to allow the construction of a six unit townhouse building on site. A sidewalk will be developed along South Riverton to join the existing sidewalk on Stone Street. The applicant will also provide garages and onsite parking in front of the garages. Landscaping will also be provided according to the City's Landscape Regulations. The proposed site plan for this site is in the record as Exhibit #2E.

PROCEDURAL INFORMATION

Authorizing Ordinances: Spokane Municipal Code Sections 11.15, 11.15.273, 11.15.380, 17C.110, Table 17G.060-3, 17G.060.170, and Shoreline Master Program Regulations set forth in the 1982 Supplement Chapter 13.05 and 13.13

Hearing Date: November 4, 2008

Notices: Mailed: May 6 and September 4, 2008
Posted: May 6 and September 5, 2008

Site Visit: November 3, 2008.

SEPA: A Determination of Nonsignificance was issued by the City on October 17, 2008.

Testimony:

Tami Palmquist
City of Spokane, Current Planning
808 West Spokane Boulevard
Spokane, WA 99201

Daniel Garabedian
P.O. Box 3005
Spokane, WA 99223

Exhibits:

1. Planning Services Staff Report
2. Application, including:
 - 2A General Application
 - 2B Conditional Use Permit
 - 2C Boundary Line Adjustment
 - 2D Application for Notification Map
 - 2E Site Plan
 - 2F Conditional Use Permit Counter Complete Checklist
3. Pre-development conference notes
4. Building Department comments
5. Fire Department comments
6. Engineering Services comments
7. Traffic Engineering comments
8. Design Review comments
9. Spokane Regional Clean Air comments
10. Avista comments
11. Spokane Tribe of Indians comments
12. Notice map with parcel listing
13. Notices
14. Affidavit of mailing May 6 and September 4, 2008
15. Affidavit of posting May 6 and September 5, 2008
16. Determination of Nonsignificance (DNS)
17. Environmental Check List
18. Community Meeting
19. Hearing File Preparation Checklist
20. Letter dated 04-04-08 to Daniel Garabedian from Dave Compton
re: community meeting instructions
21. Emails dated 05-13-08 to Daniel Garabedian from Julie Neff
re: design review codes and policies
22. Letter dated 08-11-08 to Interested Parties from Tami Palmquist
re: request for comments
23. Letter dated 09-18-08 to Daniel Garabedian` from Tami Palmquist
re: notice of application and public hearing instructions

FINDINGS AND CONCLUSIONS

To be approved, the proposed shoreline conditional use permit must comply with the criteria set forth in Spokane Municipal Code Section 17G.060.170. The Hearing Examiner has reviewed the proposed conditional use permit application and the evidence of record with regard to this section and makes the following findings and conclusions:

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

Staff has analyzed the proposal's consistency with residential zoning regulations and the Shoreline Master Program Regulations and found that the proposal is consistent with those regulations and therefore allowed by the land use codes. The Hearing Examiner agrees and hereby adopts and incorporates the staff's analysis as set forth in the Planning Services Staff report Exhibit #1, Pages 3, 4 and 5. It should be noted, however, that there are references to Chapter 13.12 of the Shoreline Master Program and those references should be corrected to be Chapter 13.13 as Chapter 13.13 controls residential development in the shoreline area.

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

The Hearing Examiner finds that this criterion has been met and in so doing hereby adopts and incorporates the findings as set forth in the Planning Services Staff report Exhibit #1, Page 5.

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

The proposal was circulated amongst all City departments and agencies with jurisdiction over land development and no departments denied concurrency based on lack of adequate services. Sewer and water is available to serve this site and the proposal should have an insignificant impact on traffic. The applicant will have to satisfy some departmental requirements during the building permit stage and has agreed to do so. Therefore this criterion has been met.

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 appears suitable for the applicant's proposal. There were no characteristics of the site identified in the record which would preclude development and there also was no evidence of the existence of natural, historic or cultural features which would impede development of the site.

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 effect or interference with the use or neighboring property or the surrounding area, considering the design and intensity of the proposed use.

No significant adverse impacts have been noted in the record. The applicant will have to comply with certain conditions of approval. The City issued a Determination of

Nonsignificance (DNS) under the State Environmental Policy Act which means that no significant adverse environmental impacts were noted during the environmental review.

6. For shoreline conditional use permits the following additional criteria apply:

a. The proposed use will not interfere with the normal public use of the shorelines;

The public has access to the river at this point because of a trail along the river between South Riverton and the Spokane River itself. That public access will remain and this proposal will not interfere with that access.

b. 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;

The property is zoned for residential multifamily development which is allowed in the Shoreline Master Program by conditional use. Most of the adjacent areas have been developed with multifamily structures and no evidence was presented that the continued development of multifamily in the area will preclude achieving the goals of the Shoreline Master Program.

DECISION

Based on the findings and conclusions above, it is the decision of the Hearing Examiner to approve the proposed shoreline conditional use permit, subject to the following conditions:

1. Approval is for a shoreline substantial development conditional use permit to allow the construction of a six unit townhouse on site. The proposal is to be developed substantially in accordance with the plans on file and in the record as Exhibit #2E. Any proposed changes to the plans are to be submitted to Planning Services for review and approval. If Planning Services determines those proposed changes to be substantial, then they are to be forwarded to the Hearing Examiner for review and approval.

2. The applicant shall use its best efforts to comply with the recommendations of the Design Review Committee as set forth in Exhibit #8. The applicant shall resubmit to Design Review proposed revisions to the site showing compliance with the Design Review Committee's recommendations.

3. Compliance with SMC 17D.060 "Storm-water Facilities" for storm-water is required and will be reviewed during the Construction Permit process by Engineering Services. A Drainage Report with supporting geotechnical information will be required. Vegetation, other than approved grasses, in the area of infiltration deviates from City

Standards and can only be approved through a "request-for-deviation" process. A "request-for-deviation" can be submitted during the permit review process.

4. Water and sewer design must be approved by the Engineering Services Department.
5. The applicant shall construct a sidewalk along South Riverton at the time of building construction. It shall be separated from the curb and comply with development standards, including tree plantings. Sidewalk and planting strip construction plans must be submitted to Engineering Services – Developer Services for review and acceptance prior to the issuance of the building permit.
6. No garages shall be permitted within 20 feet of the back of the sidewalk. During building permit review, the Traffic Department must approve all driveway locations and other site design features. No structures or vegetation exceeding 36 inches in height shall be placed within the clear-view area.
7. The Building Department must approve the final setbacks of the building from the property line in order to insure there is the required separation between the new building and the building to the east.
8. The applicant shall keep in force the parking and access agreement with the adjacent parcel.
9. This approval does not waive the applicant's obligation to comply with all other requirements of the Spokane Municipal Code as well as requirements of City Departments and outside agencies with jurisdiction over land development.
10. Spokane Municipal Code 17G.060.240 regulates the expiration of this approval, and Table 17G.060-3 sets forth the time frame for the expiration of all approvals.
11. Prior to the issuance of any building or occupancy permits, the applicant shall submit evidence to this file that the property owner has signed and caused the following statement to be recorded with the Spokane County Auditor's Office:

COVENANT

Development of this property is subject to certain conditions on file with the City of Spokane Planning Department and the Office of the City of Spokane Hearing Examiner. The property may not be developed except in accordance with these conditions. A copy of these conditions is attached to this Covenant.

This statement shall be identified as a Covenant. The owner's signature shall be notarized.

12. This approval is subject to the above-stated conditions. By accepting this approval the applicant acknowledges that these conditions are reasonable and agrees to comply with them. The filing of the above required covenant constitutes the applicant's written agreement to comply with all conditions of approval. The property may not be developed except in accordance with these conditions and failure to comply with them may result in the revocation of this approval.

DATED this 6th day of November 2008.



Greg Smith
City of Spokane Hearing Examiner

NOTICE OF RIGHT TO APPEAL

Appeals of decisions by the Hearing Examiner are governed by Spokane Municipal Code 17G.060.210 and 17G.050.

Decisions of the Hearing Examiner regarding shoreline conditional use permits are reviewed by the Washington State Department of Ecology. After review, they may be appealed to the Washington State Shoreline Hearings Board. **All appeals must be filed with the Shoreline Hearings Board within twenty-one (21) calendar days of the date of the Ecology decision.**