



HEARING EXAMINER
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BRIAN T. MCGINN
HEARING EXAMINER

November 30, 2015

Mr. Dwayne Alexander
3016 E. Queen Avenue
Spokane, WA 99217

Re: Request for Change to Conditions of Approval for Conditional Use Permit;
2936 E. Olympic Avenue, File No. Z1500068-CUP3

Dear Mr. Alexander:

This letter is provided in response to your correspondence dated November 9, 2015. In your correspondence, you requested approval of a change to the condition of approval that specified the business hours of the barber shop and drinking establishment that was approved by conditional use permit on November 3, 2015. As I understand it, you are requesting that Condition No. 6 be modified to permit the businesses to operate Monday through Saturday, rather than be restricted to Monday through Friday. The businesses will be closed on Sunday. Thus, the proposed change is as follows:

6. The business hours of the approved use are limited to the hours of 10AM to 10PM, Monday through ~~Friday~~ **Saturday**.

To assist in evaluating the matter, I submitted your correspondence to the relevant departments for comment. I also circulated the request to individuals who testified at the hearing and those who submitted written comments, to solicit their feedback as well. The comment period on the requested change ended on Monday, November 23, 2015.

There were no objections to your request by any city departments. This office received comments from the Building Department, the Fire Department, and from Traffic Engineering. Each of these departments specifically confirmed that they had "no concerns" about the proposed change in hours. There was one comment from a neighbor, who wanted the business hours to remain restricted to Monday through Friday, pointing to the potential impacts of a bar operating in the area.

The Hearing Examiner finds that the proposed change to the business hours is a minor modification that does not materially change the nature of the use or the probable impacts of the project. The Hearing Examiner also concludes that the rationales that supported his decision approving the project also support the request to modify the hours of operation. In addition, the objection to the presence of a sports bar in the neighborhood was adequately addressed in the original decision and the associated conditions of approval.

Your request to modify Condition No. 6, as shown above, is hereby approved. All other conditions of approval remain in full force and effect and are not intended to be affected or altered by this letter. In particular, please note that nothing in this decision reduces or eliminates the Applicant's obligations to obtain appropriate permits to address building and fire code requirements.

I trust this letter fully addresses your request. If I overlooked anything, or you are in need of further clarification, please advise me accordingly.

Sincerely,



Brian McGinn
City of Spokane Hearing Examiner

- c: Donna deBit, Developer Services
- Dave Kokot, Fire Department
- Mike Penkunis, Building Department
- Patty Kells, Developer Services
- Megan Duvall, Historic Preservation
- Justin Taylor