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Planning Services Director's Findings of Fact, Conclusions, and Conditions of Approval

In the matter of a request for relief from the requirements of Spokane Municipal Code (SMC) §17C.110.200 related to the lot coverage to allow for the construction of both the addition to the existing East Central Community Center and the replacement of a modular building with a permanent building within the East Central Community Center Campus on located at 500 South Stone Street:

Applicant:	City of Spokane
Owner:	City of Spokane
Parcel Number:	35211.4202

Findings of Fact:

- A.** The applicant is seeking to construct a building addition to the East Central Community Center and replace the existing modular unit with a building on the subject property. The modular unit will be removed from the site. The subject property is two city block's bound by 5th Avenue, Stone Street, Hartson Avenue and Lee Street under one ownership. The subject property also contains the East Side Library and Daycare. The subject property is approximately 168,00 square feet and is zoned residential two family (RTF), and satisfies the minimum lot standards for that zoning designation, as provided for in Table 17C.110-3 of SMC §17C.110.200.

- B.** The applicant is requesting an increase in the lot coverage of approximately 1,033 square feet above the lot coverage maximum of 59,300 square feet. This increase is requested for a building addition of 5,903 square feet to the existing East Central Community Center for a new daycare area and ECEAP program and for the new building for the CHAS Dental Clinic of 4,000 square feet on the site of the existing modular unit. The existing modular unit of 3,036 square feet would be removed from the site, resulting in a proposed increase of the lot coverage for the CHAS Dental Clinic of 964 square feet. The total proposed increase lot coverage of 1,033 square feet would be an increase of 1.7% above the maximum lot coverage allowed for the subject property resulting in a total of 60,333 square feet of building coverage on the subject property. No other requirements for modifications to the required building setbacks or parking are proposed.

- C. The design of the building addition and replacement building are proposed as single story buildings that would be consistent with the character of the surrounding neighborhood. The applicant states that a combination of standards including the International Building Codes, Washington State Daycare Licensing and federal funding require elements of the building that are required to be incorporated and increase building lot coverage above the maximum including classroom size (50 square foot per child), food preparation separated from sanitation areas, egress, confidential meeting space, reception and work space, mechanical room for specialized dental equipment and gas, sterilization area, laboratory, dental exam areas, records storage and accessible restrooms.
- D. In the RTF zone, SMC §17C.110.200 allows for building lot coverage on parcels larger than 5,000 square feet to not exceed 2,250 square feet plus 35% of the portion of the lot over 5,000 square feet. Based on the subject property size of 168,000 square feet, the allowable maximum lot coverage would be 59,300 square feet.
- E. As per SMC § Table 17C.110-1 Community Services facilitates with additions greater than 1,500 square feet are required to be processed as Type III conditional use permits in the RTF zone. The proposed building addition and building for the CHAS Dental Clinic are required to receive approval of conditional use permit(s) prior to construction.
- F. As per SMC §17C.110.220, the purpose for building coverage requirements are as follows:

“The building coverage standards, together with the floor area ratio (FAR), height and setback standards control the overall bulk of structures. They are intended to assure that taller buildings will not have such a large footprint that their total bulk will overwhelm adjacent houses. Additionally, the standards help define the character of the different zones by limiting the amount of building area allowed on a site.”

- G. SMC §17A.050.030 provides for *“flexibility, adaptability, and reasonableness in the application and administration of this title where special conditions exist and the strict application of the standard or procedure would not serve a public purpose”*. It specifically grants the following authority to the Planning Services Director:

“In the event the strict application of a development standard or procedural requirement of this title would result in unforeseen consequences or an excessive burden given the nature of the proposed development, the planning services director is authorized to make a minor adjustment in the standard or procedure, upon making a written finding that no person of average sensibilities would be negatively impacted by an adjustment, and that the adjustment would be consistent with the spirit and intent of this title and the comprehensive plan. No adjustment shall allow a use not otherwise permitted for the subject property, nor shall a minor adjustment be used in place of a variance procedure, where applicable.”

H. The proposal is consistent with and implements the following provisions of the City of Spokane's Comprehensive Plan:

- ***LU 5.5 Compatible Development - Ensure that infill and redevelopment projects are well-designed and compatible with surrounding uses and building types.***

Discussion: The proposed single-story buildings are generally consistent with the overall pattern of development in this neighborhood. The proposed additions also require approval of a Type III conditional use permit, which will include public comment on the proposal including suitability of the proposed use considering the physical characteristics of the property as part of the decision criteria under SMC §17G.060.170(C)4 and the application of the Intentional Design Standards under SMC §17C.110.500

- ***LU 7.1 Regulatory Structure- Develop a land use regulatory structure that utilizes a variety of mechanisms to promote development that provides a public benefit.***

Incentives are one of the tools that can be used to encourage development that is beneficial to the public. For instance, a development may be allowed a higher residential density, greater lot coverage, or increased building height if there is a dedication of open space for public use or some other development feature that results in a direct benefit to the public. The regulations should be predictable, reliable, and adaptable to changing living and working arrangements brought about by technological advancements. They should also be broad enough to encourage desirable development and/or redevelopment.

Discussion: The application of the minor adjustment to the development standards as provided in SMC 17A.050.030 provides the mechanism envisioned in this policy to allow for greater lot coverage for public purpose of supporting daycare, ECEAP and dental needs in the East Central Community Center. The minor adjustment to building lot coverage allows for the construction of building space that serves the public and provides equity of access to these services in an area with high poverty (30.56%) as compared to the City of Spokane (19.4%) as well as provide critical supportive services for low income households.

- ***SH 2.6 Joint-Use Facilities- Provide for the joint use of facilities that clusters services for child or adult day care, health care, human services, libraries, schools, and cultural, recreational, and educational***

Discussion: The proposed uses of Daycare, ECEAP and Dental Clinic are proposed to be housed on the same campus as other public access services including library, senior supportive services, and recreation.

- **SH 4.1 Universal Accessibility-** *Ensure that neighborhood facilities and programs are universally accessible. Community-based programs and facilities should be physically, operationally, financially, and culturally accessible to all those who desire to participate. Specific barriers to accessibility may include physical aspects, such as architectural design or building location, hours of operation, public transit routes, income eligibility requirements, and the need for interpretation due to language barriers or hearing, speech, or visual impairment.*

Discussion: The proposed uses of Daycare, ECEAP and Dental Clinic are proposed to be housed on the same campus as other public access services including library, senior supportive services, and recreation.

- **SH 5.2 Neighborhood-Level Health and Human Services-** *Provide financial, regulatory, and tax incentives for business and property owners, service providers, and developers in order to increase the number of neighborhood and district centers where health and dental clinics, and human services are available.*

Access to health and dental care, and human services, is a fundamental aspect of social health. Therefore, facilities and staffing should be sufficient to enable all citizens to obtain health and human services at the neighborhood level, preferably within walking distance of their home. There are a number of ways the City of Spokane can provide financial support for neighborhood-based health and human services. By adequately funding the Community Housing and Human Services Department, the city provides both the matching money necessary to access outside funding as well as staff whose technical assistance can help non-profit organizations obtain federal, state and private funding for which they are eligible. These efforts should specifically focus on projects that support the location of human services in neighborhood and district centers.

Discussion: The proposed location of the Daycare, ECEAP and Dental Clinic would be located on the East Central Community Center Campus and located adjacent to transit and within the East Central Neighborhood. The proposed projects are a blend of federal and state funds in partnership with the Martin Luther King foundation and the CHAS foundation to build these facilities at a co-location facility.

- **H1.15 Performance Standards -***Create a flexible project review process that allows for the use of alternative standards, but only if their use results in a project that is equal or superior to using existing standards.*

Discussion: By allowing a minor adjustment to building lot coverage, the essential requirements of federal, state and local regulations and licensing

would be met and the property could be developed consistent with the character of the surrounding neighborhood.

Conclusions:

- A. Provided that the applicant secures the approval of the Type III Conditional Use Permit(s) for the building additions to the subject property, the Planning Services Director finds that a minor adjustment allowing for an increase in building lot coverage of 1,033 square feet and 1.7% above the allowable maximum building coverage (as provided in the site plans and letters of this record) will be consistent with the overall scale and placement of homes in the surrounding neighborhood, and will not negatively impact the general character of the surrounding neighborhood. The proposed adjustment is equally protective of neighborhood character as other provision of Spokane Municipal Code.
- B. The Planning Services Director finds that the granting of a minor adjustment in the application of the code achieves a valid public purpose in allowing flexibility and promoting community services, while maintaining compatibility of the surrounding neighborhood.
- C. The effect of the minor adjustment has been duly considered by the Planning Services Director and found to be in conformance with the spirit and intent of the goals and policies of the City's Comprehensive Plan.
- D. By conditioning the approval of this minor adjustment, as detailed herein, the Planning Services Director finds the minor adjustment to be consistent with the spirit and intent of the City's development code, and equally protective of life safety.
- E. The impact and magnitude of the requested adjustment to the building lot coverage is substantially less than the potential impact to surrounding properties that would be realized from the construction of new buildings in the vicinity of community center.

Conditions of Approval:

The approval of this minor adjustment of the standards established in (SMC) §17C.110.200 related to the building lot coverage for the subject property is conditioned on the following:

1. Prior to submitting a building permit application, the applicant shall receive approval of a Type III Conditional Use Permit(s) that includes the proposed building addition and building replacement of the modular unit.
2. All structures, including additions, shall not exceed the maximum building coverage of 60,333 square feet.

3. The applicant shall be required to meet all other applicable development codes and standards for the RTF zone.
4. This adjustment shall be applicable only to the subject property for the additions proposed. The applicant shall adhere to the site plans as proposed. This adjustment shall not be construed to allow a more intensive use of the property than that proposed.

Appeal:

This decision may be appealed to the Hearing Examiner by any aggrieved party, pursuant to the appeal procedures detailed in SMC §17G.060.210 within 14 calendar days of the date of the decision.



**Heather Trautman,
Planning Services Director
City of Spokane**

Date February 7, 2019