

**STAFF REPORT ON  
CONDITIONAL USE PERMIT FILE NO. Z18-266CUP3**

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

**DESCRIPTION OF PROPOSAL:** The applicant is requesting a Conditional Use Permit for a Historic Change of Use located at 1427 W Dean Ave. The existing structure is on the Spokane Register of Historic Places and the use would be converted from existing office space to include event space for an event center. No site improvements are proposed.

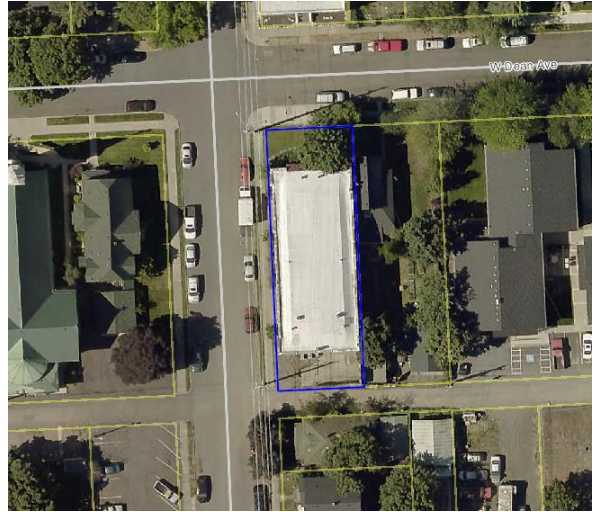
Recommendation: Staff recommends approval of this application, with conditions.

**II. GENERAL INFORMATION:**

- |    |                            |   |
|----|----------------------------|---|
| A. | Applicant:                 | Don Hamilton<br>1423 W Dean<br>Spokane, WA 99201  |
| B. | Property Owner:            | Same as Applicant   |
| C. | Agent:                     | Same as Applicant   |
| D. | Location of Proposal:      | The subject property is located at 1427 W Dean – the SE corner of the intersection Dean and Walnut.                                   |
| E. | Existing Zoning:           | Office, with a height limit of 35ft   |
| F. | Land Use Plan Designation: | Office  |
| G. | SEPA Status:               | Exempt under SMC 17E.050.070 because it falls under the flexible thresholds.  |
| H. | Enabling Zoning:           | SMC 17C.120 Commercial Zones; 17C.335 Historical structures – Change of Use; 17C.320 Conditional Uses; 17G.060.170C Decision Criteria |
| I. | Hearing Date:              | May 17 <sup>th</sup> , 2018 – 9:00AM  |
| J. | Staff Contact:             | Ali Brast, Assistant Planner, 625-6638<br><a href="mailto:abrast@spokanecity.org">abrast@spokanecity.org</a>                          |

**III. FINDINGS OF FACT:**

- A. **Site Description:** The subject property is located in the West Central neighborhood at the SE corner of Dean Ave and Walnut St. The property is surrounded by a number of other historic, in character, structures built in the early 1900's, including an apartment building across Dean and a church across Walnut. The structure in question was built in 1928 as the St. Joseph's Catholic School Auditorium and Gymnasium and the property has been on the Historic Registry since February 2011.



- B. **Project Description:** The applicant is applying for an historic change of use by utilizing SMC 17C.335, which states that properties on the historic registry may apply for a conditional use permit to operate a use not allowed outright in the zoning code. The proposal involves using the building as an event center, which is classified as a Retail Sales and Service use in 17C.190.270. The current zoning is O-35 (Office) and in Table 17C.120-1 Retail Sales and Service uses are not permitted. The property has been on the Historic Registry since 2011, so through 17C.335, the applicant is applying for the Historic Change of Use to have an event center in the building.

The existing building is a two-story structure with a photography studio operating on the main floor and supporting offices on the second floor. When the current owner bought the property in 1985, the associated catholic school had long since closed and the building was being utilized as practice space for the Spokane Olympic Gymnastic Association. After purchasing the building, the owner made a number of necessary renovations to the structure for maintenance purposes, including repurposing the space as a commercial photography and motion picture studio. The owner didn't intend to still utilize the building as an auditorium space, but over the years a number of events have been held in the space based on neighborhood interest.

Recently, the owner has come to understand that he were not in compliance with the building and fire code by operating the space as an event center due to the fact that the certificate of occupancy didn't allow that use. When told by the Planning Department that the use wouldn't be permitted without this conditional use permit, the owner applied for this historic change of use, due to the fact that the property was already on the historic registry. The intent is to still operate the photography business during typical office hours and then utilize the main floor space as an event center when those events are scheduled.

- C. **Surrounding Zoning:** All surrounding properties are zoned O-35 (Office, with a height limit of 35ft), just like the subject property.
- D. **Zoning History:** Prior to 2006, the property was also zoned Office. Since the City-wide zoning change in 2006, the property has continued to be O-35
- E. **Adjacent Land Use:** Land Use Designations to the north, south, east, and west are all Office, just like the subject property.

- F. **Applicable Zoning Regulations:** Spokane Municipal Code (SMC) 17C. 120, Commercial Zones; 17C.335.110(C) Historic Structure- Change of Use; SMC 17C.320.080 Conditional Use Decision Criteria, and SMC 17G.060.170 Land Use Application Procedures Decision Criteria.
- G. **Procedural Requirements:**
- A Community Meeting was held on February 26, 2018
  - Application was submitted on March 7, 2018;
  - A Request for Comments notice was sent to Departments and Agencies on March 9, 2018;
  - Applicant was notified on April 6, 2018 that the application was technically complete;
  - A combined Notice of Application and Public Hearing was mailed and posted on the subject property on April 13, 2018 which began the 15-day public comment period; and
  - The Public Comment Period closed on April 27, 2018.

#### **IV. DEPARTMENT REPORTS:**

Notice of this proposal was sent to City departments and outside agencies for their review and comments on March 9, 2018. Their comments are included with the file and are made part of this application by reference.

#### **V. PUBLIC COMMENT:**

Notice of this proposal was sent to property owners, tax payers, and tenants within 400 feet of the subject parcel on April 13<sup>th</sup>, 2018. No public comment was received on this application.

#### **VI. CONCLUSIONS:**

##### **A. SMC 17C.320.080 Decision Criteria**

1. *The proposal is allowed under the provisions of the land use codes. SMC 17G.060.170(C)(1)*

##### Relevant Facts:

This application, if approved through the Type III permit process from the Hearing Examiner, may be permitted under SMC 17C.335 Historic Structures – Change of Use. The structure on site is listed on the Spokane Historic Register and the proposal does not include exterior modifications.

**Staff finds this criterion is met.**

2. *The proposal is consistent with the comprehensive plan designation and goals, objectives, and policies for the property. SMC 17G.060.170(C)(2)*

##### Relevant Facts:

In Chapter 3, Land Use, of the City's Comprehensive Plan:

*\*Goal LU 3 Efficient Land Use states: Promote the efficient use of land by the use of incentives, density and mixed-use development in proximity to retail businesses, public services, places of work, and transportation systems.*

*\*Policy LU 7.3 Historic Reuse states: Allow compatible residential or commercial use of historic properties when necessary to promote preservation of these resources.*

*\*Policy ED 3.5 Locally-Owned Businesses states: Support opportunities to expand and increase the number of locally-owned businesses in Spokane.*

\*Policy DP 1.1 Landmark Structures, Buildings and Sites states: *Recognize and preserve unique or outstanding landmark structures, buildings, and sites.*

\*Goal DP 3 Preservation states: *Preserve and protect Spokane’s historic districts, sites, structures, and objects.*

\*Policy DP 3.10 Zoning Provisions and Building Regulations states: *Utilize zoning provisions, building regulations, and design standards that are appropriate for historic districts, sites, and structures.*

\*Policy N 3.1 Multipurpose Use of Neighborhood Buildings states: *Work with neighborhoods to develop a strategy for the multipurpose use of existing structures and the extension of services within neighborhoods for neighborhood activities.*

Staff Discussion: The applicant wants to create a legal event center in an existing historic building. The building used to be a gymnasium and auditorium for the neighboring Catholic school, so allowing this use as an event space would be consistent with its historic (original) use. Allowing for this mix of uses in neighborhood settings provide for an efficient use of land in our City’s core.

**Staff finds that this criterion is met.**

3. *The proposal meets the concurrency requirements of chapter 17D.010 SMC. (SMC 17G.060.170(C)(3))*

Relevant Facts: The application was circulated on March 9, 2018 amongst all City departments and outside agencies with jurisdiction and there were no departments or agencies that reported that concurrency could not be achieved.

**Staff finds this criterion is 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. SMC 17G.060.170(C)(4)*

Relevant Facts: A site plan was routed for review during the Agency and Department comment period, and staff did not receive any adverse comments indicating that the site would not be suitable to the proposed use. The use does require parking and since there is insufficient on-site and adjacent street parking, the Planning Department has requested the applicant to provide parking agreements with neighboring properties within 400ft, consistent with 17C.230.110.B.2. No site work is proposed as a part of the conditional use permit.

This site is located within the Aquifer Sensitive Area and the Aquifer Critical Area Recharge Zone and must comply with SMC Chapter 17E.010 Critical Aquifer Recharge Areas-Aquifer Protection.

Staff Comment:

No site work is proposed as a part of the permitting process, but the Fire Department did indicate the triggers for fire sprinklers for the change of use of the building. Those triggers will be identified when the applicant submits for permit to change the occupancy of the building and any necessary improvements related to that will be managed during the permitting process.

**Staff finds that this criterion is met.**

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.*

Relevant Facts: The applicant does not propose any exterior renovations or site modifications. The building has been an active part of the neighborhood since its construction in 1928, and specifically since the current owner has owned the building. Considering that events have been held in this location a number of times over the years and this application is intending to make that use legal, little to no neighborhood impacts are expected over and above existing impacts.

The application is categorically exempt from SEPA.

**Staff finds that this criterion is met.**

## **B. Decision Criteria for 17C.335.110(C)**

***A Change to any use other than a use listed as permitted in the base zoning district may be allowed by Type III permit from the hearing examiner if the following criteria are met:***

1. *The structure is listed on the Spokane Register or National Register of Historic Places.*

The Hamilton Photography Studio was placed on the Spokane Register of Historic places on February 7, 2011. Please reference the Notice of Management Agreement and the Nomination Form packet that was submitted to the City Council and approved on January 24<sup>th</sup>, 2011. This information was obtained from the City of Spokane's Historic Preservation website and gives a detailed history of the structure.

2. *All proposed changes to the structure have been approved by the landmarks commission as being compatible with the historical designation of the property, the form of approval being specified in the rules of procedure of the hearing examiner.*

No exterior renovations are proposed to the existing structure, therefore no approval from the landmarks commission is required.

3. *The change in use is demonstrated as necessary to ensure that the structure will be preserved, considering all uses allowed in the underlying zone.*

The applicant has been utilizing the building as the location for his personal business – the photography studio – and has allowed the building to be used as an event space to supplement his own business in the building. It is expected that the denial of this CUP would result in hardship for maintenance of the building.

4. *The benefits to the public arising out of preserving the structure are greater than the harm to the public resulting from allowing the proposed use of the structure, considering such factors as public access to the structure provided by the proposed use, the distinctive character of the proposed use, the need for the proposed use in the neighborhood in which the building is located or in the City, the amount of traffic, noise and other off-site impacts anticipated to be caused by the use and the means available to mitigate any potential off-site impacts.*

Continued preservation of the Hamilton Studios building through allowing a mix of uses will result in an active neighborhood and continued support of a historic structure to be enjoyed by more than just the single tenants of the photography business. Again, due to the fact that the owner has been holding events in this space over the years, it is not anticipated that there will be significant additional impacts to the surrounding neighborhood. This process is bringing the requirement of parking to the forefront and requiring the owner to develop official agreements with neighboring surface parking lots to ensure that when events are held, there is dedicated parking for the patrons.

## **VI. RECOMMENDATION**

TO APPROVE the Conditional Use Permit to allow the Historic Change of Use to the Hamilton Photography Studio located at 1427 W Dean; following conditions of approval:

1. With any building permit application for a change of use, provide the necessary parking agreements to show the building and all uses can meet the parking requirements of 17C.230.
2. Per comments from the Fire Department, the proposal to change the use of the building to a banquet hall (A2) requires the installation of fire sprinklers meeting NFPA 13 where the total occupant load including the stage, service staff, concentrated assembly areas, etc. can exceed 99. Central monitoring will be required for the fire sprinkler system.
3. 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.