



Conditional Use Permit Application

Conditional Use Permit Application Type III

601 W Mansfield
Spokane, WA 99205

Owner: Ramka Properties LLC
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The existing building located at 601 W Mansfield will be re-purposed for a small grocery store. A type III CUP is required for this change within the R2 zone. The building has been historically used as a grocery store.

1. List the provisions of the land use code that allows the proposal:

The site is zoned Residential 2 (R2). The proposed grocery/convenience store is considered a Retail Sales and Service use. Chapter 17C.370 SMC provides that existing neighborhood commercial structures that once housed a legal neighborhood commercial use may be reused for neighborhood scale and neighborhood serving businesses. *See* SMC 17C.370.010. The existing building at 601 W. Mansfield has been legally used for neighborhood commercial purposes since at least 1935, including a grocery store, dressmaking and tailoring, whole butcher supply, and a dental lab. The uses allowed under Chapter 17C.370 SMC in the R2 zone specifically include Retail Sales and Service uses. *See* SMC 17C.370.020 & .030(E)(2)(b). A Type III conditional use permit must be obtained for the proposed use. *See* SMC 17C.370.030(A) & (D).

2. Please explain how the proposal is consistent with the comprehensive plan designation and goals objectives and policies for the property:

This proposal will open a locally owned grocery business in an existing neighborhood commercial building that has historically been used for this type of business. It will anticipate business from walking traffic from the surrounding neighborhood and aim to reduce the need for nearby residents to drive to further locations for grocery businesses.

This proposal will help to achieve the following comprehensive plan goals and policies:

ED 2.3: Reusable Buildings Inventory – Maintain an inventory of vacant and underutilized sites suitable for redevelopment, to assist businesses to identify structures that meet their needs.

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

ED 3.6: Small Businesses - Recognize the significant contributions of small businesses to the city's

economy and seek to enhance small business opportunities.

DP 2.12: Infill Development - Encourage infill construction and area redevelopment that complement and reinforce positive commercial and residential character.

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

N 4.4: Neighborhood Scale Business – Ensure that the size of neighborhood business is appropriate for the size of the neighborhood it serves to that trips generated by non-local traffic through the neighborhood are minimized.

N7: Social Conditions - Promote efforts that provide neighborhoods with social amenities and interaction and a sense of community.

3. Please explain how the proposal meets the concurrency requirements of SMC Chapter 17D.010:

The proposed use was previously reviewed for concurrency. On April 12, 2024, the original application was circulated amongst all City departments and outside agencies with jurisdiction and there were no departments or agencies that reported that concurrency could not be achieved. This establishes that concurrency standards are satisfied for this proposal. *See* SMC 17D.010.020(B)(1). In addition, existing facilities and services are adequate to support the proposed use, as follows:

- Transportation: The building will have at least one permanent parking spot and on-street parking is provided along both Howard and Mansfield. The building is walkable from a large amount of residential housing. Bike racks will be installed. The proposed use will not result in enough traffic to effect or exceed the capacity of the local transportation system.
- Public Water: Per the pre-development conference, an existing ¾" water service is available for use. Water use is not anticipated to exceed what this service can provide.
- Fire Protection: The existing building will not be required to be retrofitted with fire sprinklers or a fire alarm system. The building requires at least one fire hydrant and at least three existing hydrants nearby can satisfy this requirement.
- Police protection: No impact on Police protection for this neighborhood is anticipated.
- Libraries: No impact on Libraries is anticipated.
- Solid Waste Disposal and Recycling: Solid waste collection is available, and all required enclosures shall be constructed (if no others exist on site).
- Schools: No residential capacity increase will result from this proposal, so no impact on Schools is anticipated.
- Public Wastewater (Sewer and Stormwater): Per the pre-development meeting notes, a 4" sewer line is already connected to the building and use is not anticipated to exceed what this connection can provide.

4. If approval of a site plan is required, demonstrate how the property is suitable for the proposed use and site plan. Consider the following: 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 is already developed and has been used for neighborhood scale commercial purposes for decades. The historic use of the property demonstrates that the physical characteristics of the site are suitable for the proposed use. No significant changes are proposed to the site, and all necessary utilities are buried and in place for the anticipated use. An interior remodel will be undertaken, along with exterior façade improvements. However, no exterior additions to the existing building are proposed.

5. Please explain any significant adverse impact on the environment or the surrounding properties the proposal will have, and any necessary conditions that 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:

The proposal is not anticipated to have any significant adverse impact on the environment or the surrounding properties. The proposal is categorically exempt from SEPA review. Therefore, as a matter of legislative policy, a proposal of this nature and scale is considered to have such small effects that environmental review is not needed. Further, the City enacted Chapter 17C.370 SMC precisely to encourage investment into and reuse of neighborhood scale commercial buildings. In doing so, the City determined that, in existing commercial structures, Retail Sales and Service uses were appropriate in the residential zones. The building at 601 W. Mansfield has been used for small-scale commercial purposes, in this neighborhood, for decades. The proposal does not deviate from the historical norm. No additions are proposed to the existing building, and no material changes will be made to the site. Any potential impacts of the business can be addressed through typical project conditions and adherence to existing regulations. For example, the business will be required to abide by the City noise ordinance. In addition, to mitigate concerns about noise and activity as a result of the business, active hours will be limited and the business will be closed from 12am to 6am.

A. Institutional and Other Uses in Residential Zones.

These approval criteria apply to all conditional uses in RA through RHD zones. The approval criteria allows institutional uses (including expansions of existing facilities), allows increases to the maximum occupancy of group living, and permits other non-residential household living uses in a residential zone. These types of uses must maintain or do not significantly conflict with the appearance and function of residential areas. The approval criteria are:

1. Proportion of Residential Household Living Uses.

The overall residential appearance and function of the area will not be significantly lessened due to the increased proportion of uses not in the residential household living category in the residential area. Consideration includes the proposal by itself and in combination with other uses in the area not in the residential household living category and is specifically based on the:

- a. number, size and location of other uses not in the residential household living category in the residential; and**
- b. intensity and scale of the proposed use and of existing residential household living uses and other uses.**

The proposed use will have no material impact on the residential appearance or function of the area. The existing building has been used for commercial purposes for many decades and has been in its current configuration since 1952. Because of this history, the proposal does not increase or change the proportion of non-residential uses in the area. In reality, small-scale commercial use of this structure has been an integral part of this neighborhood for many years. The proposal does not expand the size of the existing structure or make substantive changes to the site. Thus, the size, intensity, and scale of the use is consistent with its historic use. The building blends well with its surroundings and is not out of proportion to nearby residences. The location has proven to be appropriate for this type of use.

2. Physical Compatibility.

- a. **The proposal will be compatible with adjacent residential developments based on characteristics such as the site size, building scale and style, setbacks and landscaping; or**
- b. **The proposal will mitigate differences in appearance or scale through such means as setbacks, screening, landscaping and other design features.**

The proposed use is compatible with nearby residences. The site is 6,000 square feet in size, consistent with other lots in the neighborhood. The existing building was constructed for neighborhood scale commercial use. It is a one story, flat roof building comparable in scale to residential uses in the surrounding area. The proposal does not increase the size of the structure. The building has had the same configuration since 1952 and no additions are proposed. Since there are no additions proposed, the building setbacks will not change. There will be improvements to the appearance of the property, however. The Applicant will be making exterior façade improvements, which must comply with the Institutional Design Standards in Residential Zones, SMC 17C.111.500. In addition, all current landscaping will be maintained and repaired.

3. Livability.

The proposal will not have significant adverse impacts on the livability of nearby residential zoned lands due to:

- a. **noise, glare from lights, late-night operations, odors and litter; and**
- b. **privacy and safety issues.**

Noise: The proposed convenience/grocery store will not be a material source of noise. There will be no activities or equipment that will result in significant, exterior noise. The Applicant has experience operating such stores and noise is not a significant issue. In addition, the business must adhere to the City's noise ordinance. In addition, there will be no noise from the site outside its normal business hours.

Light: The project will include lighting to illuminate the site, in accordance with City standards. However, outdoor lighting shall only illuminate the building and not glare onto neighboring properties. Any new overhead lighting is required to be contained on site per SMC 17C.111.520, Lighting.

Late-Night Operations: The proposed operating hours are from 6 a.m. to 12 midnight. Operational hours for non-residential uses operating after 10 p.m. must demonstrate that off-site impacts will be fully mitigated. See SMC 17C.370.030(F)(6). As discussed in this application, all off-site impacts are or will be addressed. No late night operations are proposed.

Odor and Litter: No odors are anticipated from this use. The store will not prepare, manufacture or process anything that is likely to generate odors. The operation of the store will result in refuse. However, all refuse will be collected into screened receptacles for regular, weekly pickup. The business will not allow refuse or litter to accumulate on the site.

Privacy and Safety: The operation of a convenience/grocery store has no known impact or effect on privacy. Similarly, the lawful and responsible operation of a store does not create any genuine safety impacts. In any event, the business will be operated in compliance with the applicable laws and regulations to ensure public safety. For example, the store will not sell cigarettes, lottery tickets, or alcohol to underaged patrons. The business will not sell alcohol to intoxicated individuals or permit loitering or drinking at the premises. The business has every incentive to discourage loitering, public drunkenness, or other bad behavior at the store because this will lead to complaints and be bad for business.

4. Public Services.

- a. The proposed use is in conformance with the street designations of the transportation element of the comprehensive plan.**
- b. The transportation system is capable of supporting the proposed use in addition to the existing uses in the area. Evaluation factors include:**
 - i. street capacity, level of service and other performance measures;**
 - ii. access to arterials;**
 - iii. connectivity;**
 - iv. transit availability;**
 - v. on-street parking impacts;**
 - vi. access restrictions;**
 - vii. neighborhood impacts;**

- viii. **impacts on pedestrian, bicycle and transit circulation;**
- ix. **safety for all modes; and**
- x. **adequate transportation demand management strategies.**

City departments previously reviewed the proposed use. City traffic staff did not provide any comments suggesting that the proposed use would exceed street capacity, impact the level of service, or effect any performance standards. Small-scale commercial uses have operated in that location for decades without any material impact on the transportation system.

The site is located at the corner of W Mansfield and N Howard Street, so the site has direct access to the arterial system. The intersection is signed and striped with a crosswalk. There are sidewalks on both street frontages which provide pedestrian connectivity throughout the neighborhood. There are also dedicated bike lanes on both sides of N Howard Street. Transit service is also available, as transit routes 27 and 36 provide service on N Washington Street and W Indiana Avenue.

Some off-street parking will be made available in addition to the on-street parking. However, the City previously reviewed the proposed use and determined that the proposal meets code requirements by providing only on-street parking. Bike racks will be installed to encourage non motor vehicle transit. The bike racks will be installed to avoid constricting movement on the adjacent sidewalks.

c. Public services for water supply, police and fire protection are capable of serving the proposed use, and proposed sanitary waste disposal and stormwater disposal systems are acceptable to the engineering services department.

Per the Pre-development letter, the existing fire, water and disposal systems are sufficient to accommodate the proposed use. City departments previously reviewed the proposed use and did not suggest that public facilities or services were insufficient to accommodate the use. Notably, there were no comments by the Fire Department or the Police Department on the project, and thus no concerns were raised about the capacity to serve the use. The Applicant does not anticipate that this proposal will create any material, new demand for public services or facilities.