

**Shoreline Substantial Development Permit  
City of Spokane Planning File Number Z21-189SSDP**

**PLANNING DIRECTOR'S FINDING OF FACT, CONCLUSIONS AND DECISION**

**Date:** November 17, 2021

**Owner:** Tolovana Ventures, LLC

**Summary of Proposed Action:**

This is a Request for a Shoreline Substantial Development Permit for the development of a new 8,300 square foot paved parking lot, sidewalks with ramps and swales. A portion of the proposed project is determined to be within the Shoreline Jurisdiction of the Spokane River.

**Location/Context:**

The south side of East Mission Avenue, between North South Riverton Ave and North Madelia Street, and north of East Sinto Avenue; On the east side of the Spokane River. Addressed as 1608 East Mission Avenue.

**Legal Description:**

The site is located on parcels 35162.0501. The property is located in Section 16 Township 25 Range 43E. A full legal description of the subject property is available in the Planning and Development Services Department, located on the 3<sup>rd</sup> Floor of City Hall, 808 West Spokane Falls Blvd., Spokane, WA 99201-3329.

**Existing Conditions:**

The project site currently is a vacant grassy area that is generally flat to rolling, with less than 8% slope throughout the site. North South Riverton Avenue is located to the west of the site, separating the property from the Spokane River.



**FINDINGS OF FACT**

1. McCanna Engineering applied for an Administrative Shoreline Substantial Development Permit, Z21-189SSDP for the Mission Ct. Apartments Parking Lot Project on September 13, 2021.

2. The subject property is located at 1608 E Mission Ave., parcel 35162.0501. The parking lot will be located to the west of the existing Apartment Building. The Spokane River is designated by the Shoreline Management Act as a shoreline of statewide significance and therefore subject to the requirements of the City of Spokane Shoreline Master Program. The City of Spokane Shoreline Master Program designates this area as within the Shoreline Residential Environment and in the Upriver District with a 75-foot buffer from the Spokane River.
3. The project site currently is a vacant grassy area that is generally flat to rolling, with less than 8% slope throughout the site. North South Riverton Avenue is located to the west of the site, separating the property from the Spokane River.
4. The subject area is located in the Land Use Category of Residential 15-30 according to the City of Spokane's Comprehensive Plan, initially adopted by City Council on May 21, 2001 and subsequently amended.
5. The subject properties are zoned Residential Multi-Family (RMF). Table 17C.110-1 *Residential Primary Uses*, permits 'Residential Households' in the Residential Multi-Family zone, along with their accessory uses which includes parking lots.
6. The subject property is located in the Shoreline Residential Environment. In the Residential Environment, new parking lots accessory to a permitted use located in the shoreline jurisdiction are allowed through a shoreline substantial development permit, per Table 17E.060-04, Shoreline Primary Uses.
7. The application materials pertaining to the Shoreline Substantial Development Permit were distributed to City Departments and other agencies with jurisdiction for comment on September 15, 2021. These comments are on record with the Development Services Center.
8. This application was deemed technically complete on October 5, 2021. Notice of Application was provided to the applicant by email.
9. Notice of the Shoreline Substantial Development Permit application was posted on October 15, 2021. Notices were also mailed to surrounding property owners, taxpayers and occupants within 400 feet of the subject property, as specified on the Notification District Map on October 15, 2021.
10. The public comment period for this shoreline substantial development permit was from October 15, 2021 through November 15, 2021. No public comments were received on this proposal.
11. A Determination of Non-Significance (DNS) was issued on November 17, 2021; Lead Agency, City of Spokane, Tami Palmquist, Principal Planner, Responsible Official.

## **CONCLUSIONS AND DECISION CRITERIA**

### **SHORELINE SUBSTANTIAL DEVELOPMENT PERMIT**

#### **SMC Chapter 17G.060.170**

The intent of the shoreline substantial development permit procedure is to determine the conditions under which a use may be permitted. These permits are subject to specific review during which conditions may be imposed to assure compatibility of the use with other uses permitted in the surrounding area. A shoreline substantial development permit may be granted only if the following facts and conditions are found to exist:

1. *The proposal is allowed under the provisions of the land use codes;*

Relevant Facts

The subject site is zoned Residential Multi-Family. A parking lot accessory to a permitted use is considered a residential accessory use and is outright permitted.

2. *The proposal is consistent with the Comprehensive Plan designation and goals, objectives and policies for the property;*

Relevant Facts:

Specific Comprehensive Plan Policy applicable and supportive of this application:

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

\*Policy CFU 1.4 Use of Existing Structures states: *Require the use and adaptive reuse of existing buildings before new community facilities are constructed.*

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

Relevant Facts:

The application was circulated on September 15, 2021, amongst all City departments and outside agencies with jurisdiction and there were no departments or agencies that reported that concurrency could not be achieved.

4. *If approval of a site plan is required, the property is suitable for the proposed use and a site plan considering the physical characteristics of the property including but not limited to size, shape, location, topography, soil, slope, drainage characteristics, the existence of ground or surface water and the existence of natural, historic or cultural features;*

Relevant Facts:

The site is suitable for development per the site plans submitted with this application. The applicant lists all physical and environmental elements located on the site, or in the vicinity, in the Environmental Checklist submitted. City departments and other agencies also reviewed this checklist for physical characteristics of the property. The new accessory parking lot will be required to meet development standards found in Section 17E.060.590 Parking Facilities.

The Department of Archaeology and Historic Preservation (DAHP) reviewed the application and will require an archaeological monitor to be present during any ground disturbing activities. They also recommend that any historic structures (45 years in age or older) located within the project area are evaluated for eligibility for listing in the National Register of Historic Places on the Historic Property Inventory (HPI) forms. Spokane Tribe of Indians recommends a Cultural survey be completed by a professional archaeologist.

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 the neighboring property or the surrounding area, considering the design and intensity of the proposed use;*

Relevant Facts:

As mentioned above, this proposal was routed for review by applicable departments and agencies. Their findings and recommendations are incorporated into the conditions of approval for this proposal. There will be short term impacts on the site during construction.

Temporary environmental impacts during construction includes noise, dust, and traffic from construction vehicles.

An Environmental Checklist received a DNS on November 17, 2021.

*6. The proposal is consistent with the map, goals and policies of the Shoreline Master Program;*

Relevant Facts:

This proposal is consistent with the map, goals and policies of the Shoreline Master Program. The Shoreline Master Program designates this site as Shoreline Residential Environment with a 75-foot buffer from the Spokane River.

The "shoreline residential" environment is designed to accommodate existing, small-lot residential development and accessory structures. The shoreline residential environment may also provide appropriate public access and recreational uses. The "shoreline residential" environment designation is assigned to shoreline areas if they are predominantly small-lot single-family or multi-family residential development or are planned and platted for such residential development.

*7. The proposal is consistent with chapter 90.58 RCW (Shoreline Management Act) and Chapter 173-27 WAC (permits for development on shorelines of the state);*

Relevant Facts:

This proposal is consistent with 90.58 RCW the Shoreline Management Act. This proposal implements the Shoreline Management Act as enunciated in RCW 90.58.020. This proposal recognizes the interest of the public and will not impact the natural character of the shoreline. The procedures of Chapter 173-27 of the WAC have been followed.

## **DECISION – Conditions of Approval**

TO APPROVE the Shoreline Substantial Development Permit, subject to conditions, for the construction of a parking lot for the Mission Ct. Apartments, substantially in conformance with the plans and application on file in the Planning & Development Department, and the following conditions of approval:

1. This Shoreline Substantial Development Permit is subject to the compliance of this proposal with all applicable codes and requirements including shoreline regulations, public access, setbacks and site coverage;
2. The site shall be developed in compliance with the plans on record and comments received on the project from City Departments and outside agencies with jurisdiction;
3. The Shoreline Master Program, SMC 17E.060 and SMC 17E.020 require no net loss of shoreline ecological functions that could result from the proposal. A vegetation replacement plan will be required if any native vegetation is removed.

4. Per the DAHP's comments, an archaeological monitor shall be present during any ground disturbing activities. The monitoring report should meet DAHP's Standards for Cultural Resource Reporting.
5. If any artifacts or human remains are found upon excavation, The Spokane Tribe of Indians and the City of Spokane shall be immediately notified and the work in the immediate area cease. Pursuant to RCW 27.53.060 it is unlawful to destroy any historic or prehistoric archaeological resources. RCW 27.44 and RCW 27.53.060 require that a person obtain a permit from the Washington State Department of Archaeology & Historic Preservation before excavating, removing or altering Native American human remains or archaeological resources in Washington.
6. 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.
7. Any tree work performed on public property will need to be permitted and performed by a City-licensed Commercial Arborist and coordinated with the City of Spokane Urban Forestry Department.
8. All Stormwater and surface drainage generated from re-development shall be disposed of onsite in accordance with recommendations of SMC 17D.060 Stormwater Facilities, the Spokane Regional Stormwater Manual, the City Design Standards, and the Project Engineer's recommendations for the re-development.
9. Any dirt or gravel areas must remain fenced until the site is redeveloped to prevent parking in those areas.
10. The contractor is required to have a Construction Stormwater Pollution Prevention Plan (SWPPP) in place prior to and during construction in order to prevent sediment laden stormwater run-off or other pollutants from entering the Spokane River;
11. This Shoreline Substantial Development Permit is not transferable to any other property;
12. Construction pursuant to this permit shall not begin and is not authorized until twenty-one days from the "date of filing" by department of ecology as defined in RCW 90.58.140(6) and WAC 173-27-130, or until all review proceedings initiated within twenty-one days from the date of such filing have been terminated; except as provided in RCW 90.58.149(5)(a) and (b); and
13. Prior to the issuance of building or grading permits for the construction contemplated in this shoreline substantial development permit application, the applicant shall submit evidence to this file that the property owner has signed and caused the "Shoreline Substantial Development Permit Agreement" to be recorded with the Spokane County Auditor's Office.

**Expiration:**

In compliance with WAC 173-27-090, construction activities shall commence within two years of the effective date of this permit unless an extension has been granted; authorization to conduct development activities shall terminate five years after the effective date of filing.

**NOTICE OF RIGHT TO APPEAL**

Appeals of the Planning Director's decision are governed by Spokane Municipal Code 17G.060.210. Any aggrieved party may file an appeal of this decision. Decisions of the Planning Director regarding administrative permits (Type II) are final. They may be appealed to the City of Spokane Hearing Examiner within fourteen (14) calendar days of the date of this decision. The date of this decision is the 17th of November 2021. In the case of Shoreline Substantial Development Permits, an additional 21 day appeal period occurs following filing of the Shoreline Substantial Development Permit with the Department of Ecology. Such appeals may be made to the Shorelines Hearings Board.

**The date of the last day to appeal to the City of Spokane Hearing Examiner is the 1st day of December 2021 at 5:00 P.M.**

The appeal fee (\$250.00) must be paid in full at the time the appeal is made. The form for filing an appeal is available from the Planning Services Department.

Dated this 17th day of December 2021.

A handwritten signature in blue ink that reads "Jami Palmquist". The signature is written in a cursive, flowing style.

for Louis Meuler

Louis Meuler, Interim Planning Director  
Neighborhood and Planning Services

By Donna deBit, Assistant Planner