

CITY OF SPOKANE
Conditional Use Permit Application

Applicant: Liquidation Holding Company, LLC
Site Address: 127 W. Mission Avenue, Spokane, WA
Spokane County Parcel No. 35181.0201

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

The zoning for Spokane County Parcel No. 35181.0201 is OR-150 (Office Retail, with a height limit of 150ft). Applicant is requesting the receipt of a conditional use permit through the City's nonconforming code. Specifically, SMC 17C.210.060(B) allows an applicant in the OR Zone to apply for a conditional use permit to change the use of a nonconforming building to an equal or more compatible use. Although the building is currently unoccupied, the non-conforming status of the building has not lapsed pursuant to SMC 17C.210.030A.

The subject building was most recently used in conjunction with the City of Spokane's fleet services operations, which was categorized as Industrial Service in the Light Industrial zone. The proposed use of Manufacturing and Production is also in the Industrial category and would therefore comply with the above mentioned code allowance. This process requires a Type III application and a public hearing before the City's Hearing Examiner.

It is important to note that the existing non-conforming use on the property – the City's fleet service operation – was responsible for maintenance and repairs, vehicle leasing, motor pools, fueling services, vehicle acquisitions and dispositions, and equipment specifications. City employees, including: automotive craft workers, machinists, welders, materials specialists, and others operated the facility. City of Spokane Fleet Services maintains vehicles and equipment ranging from lawn mowers to service trucks to garbage trucks. This particular use produced an extraordinary and constant amount of traffic, exposed the site and the surrounding properties to potentially hazardous chemicals, and otherwise presented as an industrial land use.

By comparison, the requested Manufacturing and Production use is an "equal or more compatible use [within the OR-150 zone]" because it produces less traffic and presents fewer industrial elements in its operation. The requested Manufacturing and Production is a category intended for a distillery/brewery business operation. This particular use does not utilize hazardous substances and does not produce even a fraction of the traffic of a fleet services use. Rather than dozens of trucks and cars every hour filling up with gasoline at the fleet services building, the proposed use will employ 20-25 employees whose work schedules and patterns of ingress/egress from the site will generally mimic those of the surrounding office and commercial uses. Moreover, rather than the noise and

potential contamination produced by a mechanical shop, the proposed use occurring inside the building will consist of general office work, manufacturing of alcohol and/or distilled spirits (using water and grain), packaging and order fulfillment. Also, there may be a retail component in the form of a tasting room. Again, this use presents much more familiarly as an office or commercial use than the fleet services use and is therefore “equal or more compatible use [within the OR-150 zone],” and more closely represents other uses (e.g. retail sales and services) permitted by CUP in the OR Zone.

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

The proposed use is a non-conforming use allowed by SMC 17C.210.060.B. As a non-conforming use it is inherently inconsistent with the comprehensive plan designation and goals, objectives and policies for the property – yet nonetheless allowed by the City’s code. However, because this CUP request offers an opportunity for the City to preserve and repurpose a currently unused-but-historic structure that is close to the downtown core and transportation infrastructure, and facilitate a use that potentially serves as a catalyst for economic development in the area, a broader view of the Comprehensive Plan finds support in the following provisions:

LU 1.10 Industry

Provide a variety of industrial locations and site sizes for a variety of industrial development and safeguard them from competing land uses.

LU 1.14 Existing Uses

Avoid the creation of large areas of nonconforming uses at the time of adoption of new development regulations.

LU 7.3 Historic Reuse

Allow compatible residential or commercial use of historic properties when necessary to promote preservation of these resources.

TR 4.8 Freight and Commercial Goods

Accommodate moving freight and commercial goods in ways that are safe, cost efficient, energy efficient, and environmentally friendly.

ED 2.2 Revitalization Opportunities

Provide incentives to encourage the revitalization and utilization of historic and older commercial and industrial districts for redevelopment.

ED 2.3 Reusable Buildings Inventory

Maintain an inventory of historic and significant older buildings that could be redeveloped for economic activities rather than demolished.

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 of Spokane's economy and seek to enhance small business opportunities.

ED 6.1 Infrastructure Utilization

Locate development where infrastructure capacity already exists before extending infrastructure into new areas.

ED 7.1 Collaborative Nurturing of the Business Climate

Work with the business community, labor, and residents to maintain a good business climate.

ED 8.1 Quality of Life Protection

Protect the natural and built environment as a primary quality of life feature that attracts new business.

DP 1 PRIDE AND IDENTITY

Goal: Enhance and improve Spokane's visual identity and community pride while striving to maintain its visual diversity.

DP 1.2 Landmark Structures, Buildings, and Sites

Promote the recognition and preservation of unique or outstanding landmark structures, buildings, and sites.

DP 2 QUALITY DESIGN

Goal: Enhance the livability of Spokane by preserving its historic character and building a legacy of quality public and private development.

DP 2.1 Building and Site Design Regulations

Ensure that a particular development is architecturally compatible with its neighbors.

DP 4.1 Historic Preservation

Establish historic preservation as a high priority in the development of future city programs.

DP 4.5 Publicly-Owned Historic Structures

Require a critical review of a project prior to the removal or destruction of any publicly-owned building, structure, or site that is listed on, or eligible for the local, state, or national historic register.

DP 4.9 Rehabilitation of Historic Properties

Assist and cooperate with owners of historic and cultural landmarks and sites to identify, recognize, and plan for the use of their property to ensure compatibility with preservation objectives.

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

Pursuant to WAC 365-196-840, the purpose of concurrency is to assure that those public facilities and services necessary to support development are adequate to serve that development at the time it is available for occupancy and use, without decreasing service levels below locally established minimum standards. More specifically, "Concurrency" describes the situation in which adequate facilities are available when the impacts of development occur, or within a specified time thereafter, and ensures consistency in land use approval and the development of adequate public facilities as plans are implemented, and it prevents development that is inconsistent with the public facilities necessary to support the development. *See also* WAC 365-197-050.

The codified mechanism under which this application is presented (SMC 17C.210.060.B), which by its very nature allows the Applicant to "change the use of a nonconforming building to an equal or more compatible use so long as no new building, enlargement or extensive alteration is involved," anticipates that there will be no impact on municipal services and that the impacts of the proposed use do not exceed the impacts of the existing uses on the site. That is the case here. Although City Staff will conduct a Concurrency Test, Applicant does not anticipate that the proposed Manufacturing and Production use would affect any of the following concurrency items:

- A. Transportation – It is not anticipated that traffic related to the uses proposed by this application will have any affect on the surrounding traffic infrastructure or at the nearest signalized intersection. City Staff has not requested a traffic study with this CUP application.
- B. Public water – The site is already served with public water and no upgrades in pipe size or service are anticipated as a result of the application.
- C. Fire protection – The site is already served with fire protection by Spokane Fire District No. 3, and nothing about the proposed use, existing building or existing infrastructure suggest any greater impact than the existing non-conforming uses allowed on the site.
- D. Police protection – The site is already served with police protection, and nothing about the proposed use suggests any greater impact on police services than the existing non-conforming uses allowed on the site.
- E. Parks and recreation- The proposed use will not affect or utilize parks and recreation.
- F. Library – The proposed use will not affect libraries.
- G. Solid waste disposal and recycling – The site is already served by the City of Spokane for solid waste disposal and recycling. It is anticipated that the proposed use will increase the amount of solid waste disposal and recycling, but that such

an increase would nonetheless not overburden the existing services providers.

H. Schools – The proposed use will not affect schools.

I. Public wastewater (sewer and stormwater) – The site is already served by City of Spokane sewer service and stormwater drainage. Nothing about the proposed use suggests any increase in sewer service to the site. Any grading or site work around the existing building will require stormwater plan approved by the City of Spokane pursuant to the Eastern Washington Stormwater Manual.

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 characteristic, the existence of ground or surface water and the existence of natural, historic or cultural features.*

A site plan for the proposed use is submitted with Applicant's Conditional Use Permit materials. A review of the site plan demonstrates that the proposed Manufacturing and Production use will occur within Building A, which lies within a larger complex of buildings and associated parking areas and driveways. All parking associated with the proposed use within Building A can be accommodated with existing parking areas currently surrounding the building. Any additional site work will incorporate approved landscaping and stormwater drainage. There are no natural, historic or cultural features existing on site. The entire larger complex, which Building A is a part of, consists of impervious surfaces and buildings.

5. *Please explain any significant adverse impact on the environment or the surrounding properties the proposal will have 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.*

A State Environmental Policy Act Checklist was submitted along with Applicant's Conditional Use Permit materials, which demonstrates that the proposed use does not generate any "significant" adverse "impacts" on the environment or the surrounding properties as those terms defined by WAC 197-11-794 and WAC 197-11-752 and the accompanying case law. In fact, the proposed use will actually produce fewer impacts than the currently existing use of the City's Fleet Services operation.