



**PLANNING & DEVELOPMENT**  
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November 12, 2014

David Birge  
MGD@GU, LLC  
P.O. Box 18567  
Spokane, WA 99228

Re: Riverwalk Commercial

Planning Application File Number Z1400037-SSDP

Dear Mr. Birge,

In accordance with the provisions of the City of Spokane Shoreline Master Program as codified in the Spokane Municipal Code 17E.060, the property known as the Solatube Building is hereby granted an administrative Shoreline Substantial Development Permit, subject to conditions, to convert the property located at 704 N Superior Street from Warehouse to Office/Commercial Space, including site work, parking and minor changes to add additional public access to the shoreline, that are substantially in conformance with this decision and the plans and application on file in the Planning & Development office.

This Shoreline Substantial Development Permit shall be forwarded to the Department of Ecology on **November 26, 2014**, unless an appeal to the City of Spokane Hearing Examiner occurs before this date. Upon the date of filing with the Department of Ecology, a 21-day appeal period follows; appeals during this period are made to the Shorelines Hearings Board. 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 and authorization to conduct development activities shall terminate five years after the effective date of filing.

**This is not a construction permit.** Any permits required by the Building Services Department or other City/County departments for any construction must be obtained from the proper agency before proceeding with work. Any permits required by any other state or federal agencies for any construction must be obtained from the proper agency before proceeding with work.

Enclosed are the decision and a copy of the covenant that must be signed by the property owner(s) and **filed with the Spokane County Auditor's Office** in order to fulfill the requirements of the approval given for the Shoreline Substantial Development Permit application for the above property. A conformed copy of that agreement must be filed with this office prior to the issuance of building permits.

Please feel free to contact Tami Palmquist at (509) 625-6157, if you have any further questions related to this matter.

A handwritten signature in black ink, appearing to read "Louis Mueller".

Louis Mueller, Interim Planning Director  
Planning & Development

By: Tami Palmquist, AICP, Associate Planner  
Planning & Development

**Shoreline Substantial Development Permit  
City of Spokane Planning File Number Z1400037-SSDP**

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

**Date:** November 12, 2014

**Applicant:** MGD@GU, LLC

**Summary of Proposed Action:** Request for a Shoreline Substantial Development Permit to convert the Solatube building into office/commercial/retail space. Proposed work to the building may include the addition of a second story, work outside the building may include utility service work, landscaping, and the continuation of public access to the Spokane River.

**Site Description:** The subject property is located at 704 N Superior Street. The building site is generally rectangular in shape and contains approximately 16,600 square feet. This parcel is separated from the Spokane River by two other parcels that total approximately 2.5 acres. The site has an existing one story structure on it, with an open parking area to the north and east of the building. There is commercial development to the south and a multi-family development to the north, which is also owned by MGD@GU LLC.

**Legal Description:**

Parcel No. 35174.0223: PTN IN TCA 0014 - ALSO SEE PARCEL 35174.0027 IN TCA 0011 DENNIS & BRADLEY'S ADDITION & PTN OF SE1/4 OF 17-25-43 LTS 6 & 7 BLK 6 & 50FT STRIP OF NE1/4 OF SE1/4 LYG ELY OF & ADJ TO SD LTS

Parcel No. 35174.0027: PTN IN TCA 0011 - ALSO SEE PARCEL 35174.0223 IN TCA 0014 DENNIS & BRADLEY'S ADDITION & PTN OF SE1/4 OF 17-25-43 LTS 6 & 7 BLK 6 & 50FT STRIP OF NE1/4 OF SE1/4 LYG ELY OF & ADJ

**Surrounding Conditions:** The site is zoned CC1-DC with a land use of CC Core. The east border of the site is the Spokane River. The property to the north is currently in the permit review process for a multi-family development. There is commercial development to the south, which is also owned by MGD@GU LLC.

**FINDINGS OF FACT**

1. MGD@GU, LLC applied for an Administrative Shoreline Substantial Development Permit, Z1400037SSDP, for the Solatube Building on August 6, 2014.
2. The site is located adjacent and west of the Spokane River which 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, effective July 26, 2010, designates this area as a Shoreline Limited Urban Environment, within the Spokane River Campus/U-District, and has a 75 Foot Buffer. Section 17E.060.690 permits Non-

water Oriented Commercial Uses with certain conditions. The scope of this project requires a Shoreline Substantial Development Permit.

3. The subject property is located within the 100 Year Floodplain. Per SMC 17E.030.140, on locations where base flood elevation data has been provided on the FIRM maps, "...substantial improvement of any commercial, industrial or other nonresidential structure shall either have the lowest floor, including basement, elevated two feet above the base flood elevation;" or "be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting provisions of this subsection based on their development and/or review of the structural design, specifications and plans..." A Flood Plain Permit will be required at time of Building Permit.
4. The subject property is also located within the Riparian Habitat Zone 2 (250-feet from OHWM) as designated in the Spokane Municipal Code Chapter 17E.020, Fish and Wildlife conservation Areas. A City of Spokane Critical Area's Checklist was completed by the applicant on July 30, 2014. Per SMC 17E.020.070(A)(5) Reconstruction, remodeling or maintenance of existing structures is exempt from this chapter, provided that the new construction or related activity does not further intrude into the fish and wildlife habitat conservation area or associated buffer and appropriate protection, including fencing, is provided for these areas for the duration of such activity.
5. The subject property is located in the CC1-DC (Center and Corridor 1 – District Center) Zone. Office, commercial, retail, restaurants, limited industrial, and microbreweries are allowed uses in the CC1 zone under Spokane Municipal Code (SMC) Table 17C.122-1.
6. This project was found to be categorically exempt from SEPA when it was submitted for review.
7. The application materials regarding the Shoreline Substantial Development Permit were distributed to City Departments and other agencies with jurisdiction for comment on August 12, 2014. These comments are on record with the Planning & Development Office.
8. This application was deemed technically complete on September 2, 2014. Notice of Application was provided to the applicant electronically on the same date.
9. Notice of the Shoreline Substantial Development Permit application was posted on the site, the downtown library and City Hall on October 10, 2014. 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. There was no written comment letters or phone calls received from the public with questions or concerns.

## **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: Office, commercial, retail, restaurants, limited industrial, and microbreweries are allowed uses in the CC1 zone under Spokane Municipal Code (SMC) Table 17C.122-1.

In the City of Spokane, Shoreline Master Program SMC 17E.060.360 Primary Permitted Uses, Non-Water-Oriented Commercial Uses are "L" Limited Uses in the Limited Urban Environment per SMC Table 17E.060-04, Shoreline Primary Uses. Non-water oriented commercial uses shall not be allowed unless the: site is physically separated from the shoreline by another property or public right-of-way; or use is part of a mixed-use project (a combination of the non-water oriented commercial use and any of the following: water-dependent, water-related and/or water-enjoyment uses); use provides public access; and use achieves no net loss of shoreline ecological functions, pursuant to Article III, Part II, No Net Loss of Ecological Functions and Mitigation.

This project is separated from the Spokane River by a separate parcel, is proposing mixed uses on the site, and will provide improve public access to the shoreline.

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

Relevant Facts: This proposal is not proposing any modifications that will alter the shoreline or its character. It is also allowing public access to the shoreline by connecting the trail that runs from the south commercial area, through this site, and to the north to connect to Iron Bridge.

**NE 3.7 Public Shoreline Access** – *Encourage the provision of public access to shoreline by pathways, plazas, patios, view points, vistas, view corridors, opens space, or other related public access amenities that does not negatively affect riparian and fish habitats.*

**PRS 2.3 Urban Open Space Amenities** - *Continue to develop urban open space amenities that enhance the local economy. Discussion: Urban open space amenities include trails, interpretive areas, plant materials, public squares, view points and interpretive signage, and provide benefits to both residents and visitors.*

**LU 2.1 Public Realm Features** - *Encourage features that improve the appearance of development, paying attention to how projects function to encourage social interaction and relate to and enhance the surrounding urban and natural environment.*

**LU 5.4 Natural Features and Habitat Protection** - *Ensure development is accomplished in a manner that protects significant natural features and wildlife habitat.*

**PRS 2.3 Urban Open Space Amenities** - *Continue to develop urban open space amenities that enhance the local economy. Discussion: Urban open space amenities include trails, interpretive areas, plant materials, public squares,*

*viewpoints and interpretive signage, and provide benefits to both residents and visitors.*

**SMP 5.4 Provisions for Shoreline Protection** - *Require that new development provide adequate provisions for the protection of water quality, erosion control, landscaping, aesthetic characteristics, drainage systems, aquatic and wildlife habitat, views, archaeological sites, and normal public use of the water.*

**SMP 8.2 Access and Shoreline Ecological Functions** - *Assure that public access improvements result in no net loss of shoreline ecological functions.*

**SMP 10.2 Native Plant Restoration** - *Maintain and restore native plant communities within the Shoreline Jurisdiction in order to:*

- ◆ *Ensure no net loss of ecological functions; and*
- ◆ *Improve impaired ecological functions.*

**SMP 10.3 Landscaping with Native Plants** - *Encourage the use of native plant communities for landscaping within the Shoreline Jurisdiction.*

**SMP 11.28 Use of Natural Materials** - *Encourage the use of natural materials rather than artificial materials in the construction of erosion controls.*

**SMP 11.35 Visual and Physical Access in Development** - *Ensure that shoreline development includes, when feasible, visual and physical public access to the shorelines, while avoiding, minimizing, or mitigating negative impacts to the shoreline.*

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

Relevant Facts: The application was circulated on August 12, 2014, 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 application will be subject to compliance with the various conditions of approval.

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 area is suitable for development per the site plan submitted with this application. Comment was offered on this project by the Tribal Historic Preservation Officer of the Spokane Tribe of Indians on April 21, 2014. As in all cases, if any artifacts or human remains are found upon excavation, the THPO office should be immediately notified and the work in the immediate area ceased.

Per the shoreline regulations, SMC Section 17E.060.200 Water Quality and Stormwater, stormwater management facilities shall be developed in such a manner that there is no net loss of shoreline ecological functions or a significant impact to aesthetic qualities or recreational opportunities. Low impact development (LID) techniques shall be employed throughout the various stages of development, including site assessment, planning and design, vegetation conservation, site preparation, retrofitting, and management techniques.

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: This property was found to be exempt from SEPA upon review. The applicant has included the Habitat Management Plan from the adjacent site, Z100001SCUP, that addresses the performance standards for activities in the designated Fish and Wildlife Habitat Conservation Areas outlined in SMC 17E.020. Based on the HMP the native plant area will be enhanced and result in a net gain in the functions and values of the riparian habitat area.

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

Relevant Facts: The City of Spokane Shoreline Master Program, effective July 26, 2010, designates this area as a Shoreline Limited Urban Environment, within the Spokane River Campus/U-District, with a designated 75 Foot Buffer. Section 17E.060.690 permits Non-water Oriented Commercial Uses with certain conditions. The nature of the existing building and its location on the site makes this a conforming structure as it relates to the applied 75 foot buffer. The proposal will not impede any further into the Shoreline Environment. Staff finds that the use of this building is consistent with the Shoreline Master Program.

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 offers long term benefit to the site and the community by utilizing an existing development and providing public access within the Shoreline jurisdiction. The procedures of Chapter 173-27 of the WAC have been followed.

## **DECISION**

TO APPROVE the Shoreline Substantial Development Permit, subject to conditions, to convert the Solatube Building, located at 704 N Superior Street, from warehouse to office/commercial/retail; substantially in conformance with the plans and application on file in the Planning and Development office, 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 building height, setbacks, parking 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 requires no net loss of ecological function; the project will focus development of the site to the disturbed area.
4. A Floodplain Permit will be required to be submitted with the Building Permit Application for any work proposed within the 100-Year FEMA Flood Zone;

5. If any artifacts or human remains are found upon excavation, the Spokane Tribe of Indians and the Planning and Development office should 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.
6. 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.
7. This Shoreline Substantial Development Permit is not transferable to any other property;
8. Prior to the issuance of building 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 11th of November, 2014. In the case of Shoreline Substantial Development Permits, an additional 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 26th day of November, 2014 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 Planning and Development.

Dated this 11th day of November, 2014.



Louis Meuler, Interim Planning Director  
Planning and Development

By Tami Palmquist, AICP, Associate Planner  
Planning and Development