



**DECISION ON
CONDITIONAL USE PERMIT APPLICATION
FILE NO. Z21-161CUP2**

I. SUMMARY OF REQUEST AND RECOMMENDATIONS:

DESCRIPTION OF PROPOSAL: The applicant has requested approval of an Administrative Conditional Use Permit (Type II) from the Planning Director to allow the replacement of Sacajawea Middle School on its existing site. Work proposed includes a new 140,000 square foot two-story building, new parking lots, playfields, landscaping and the demolition of the existing middle school.

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

II. GENERAL INFORMATION:

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|-------------------------------|---|
| A. Applicant: | Spokane Public Schools
Attn: Greg Forsyth
2815 E Garland Ave
Spokane, WA 99207 |
| B. Property Owner: | Same as Applicant |
| C. Agent: | Same as Applicant |
| D. Location of Proposal: | 401 E 33 rd Ave. – Parcel No. 35322.0326 |
| E. Existing Zoning: | Residential Single Family (RSF) |
| F. Land Use Plan Designation: | Institutional |
| G. SEPA Status: | DNS, issued August 13, 2021 |
| H. Enabling Zoning: | SMC 17C.110 Residential Zones |
| I. Staff Contact: | Tami Palmquist, Principal Planner, 625-6157
tpalmquist@spokanecity.org |
| J. Date of Recommendation: | October 6, 2021 |

III. FINDINGS OF FACT:

- A. **Site Description:** The site has been home to Sacajawea School since 1960, and is situated just west of Grand Blvd. in the Comstock neighborhood. Currently the site consists of the Sacajawea Middle School Campus with the education buildings, playfields, and parking. Generally the site is surrounded on the west and north by single family homes, Hart Field to the south and commercial uses to the east. The site is sloped down to the north with the existing play fields at a lower elevation than the school buildings. There are no know erosion constraints.
- B. **Project Description:** The scope of the proposal includes the constructions of a new 140,000 square foot, two story building in the playfield north of the existing building; and once complete, demolishing the existing 1959 Sacajawea Middle School. This school will have 46 teaching spaces to accommodate approximately 825 students, grades 6, 7 and 8. A gymnasium, commons/cafeteria, band and choir, and other support spaces will be included. The existing 121,888 square foot school buildings will used until the new middle school is completed and students are able to transition to the new facility. Once students have moved out, the existing school will be demolished to make space for on-site parking and additional playfield space. Site work will consist of grading and preparation for the new school and the construction of on-site parking, a bus loop, outdoor playfields, service and delivery space, a mechanical yard and associated hardscape. Approximately 78 on-site parking stalls will be in the southwest corner to accommodate staff, visitor and parent parking. These stalls would be accessed via a driveway from Thirty-third Avenue. Additionally, six service stalls, accessed from a driveway along the north boundary of the campus will be in the north middle portion of the site to serve the kitchen/utility functions of the building. The bus drop-off driveway will access the campus from Grand Boulevard, drop-off and onload students on the south side of the classroom building and exit to the south on Thirty-third Avenue. Fifteen-plus buses can be accommodated along this lane. A softball field is planned for the northeast corner, and a softball/baseball/soccer field will be along the south side of the campus.
- C. **Surrounding Zoning:** The surrounding zoning is RSF to the northwest, west and south west, RMF to the southeast, Office to the east and CC1-DC is to the east and north east.
- E. **Adjacent Land Use:** The surrounding land use designation is Residential 4-10 to the northwest and west, Institutional to the south and southwest, R15-30 to the southeast, Office to the west and CC Core to the northwest.
- F. **Applicable Zoning Regulations:** Spokane Municipal Code (SMC) 17C.110, Residential Zones
- G. **Procedural Requirements:**



- A Community Meeting was held on July 22, 2021;
- Application was submitted on August 13, 2021;
- A Request for Comments notice was sent to Departments and Agencies on August 17, 2021;
- The applicant was notified on September 2, 2021, that the application was technically complete;
- A Notice of Application was mailed and posted on the subject property on September 10, 2021, which began the 15-day public comment period;
- The Public Comment Period closed on September 27, 2021; and
- The Notice of Application sign was removed on October 2, 2021.

IV. DEPARTMENT REPORTS:

Notice of this proposal was sent to City departments and outside agencies for their review and comments on August 17, 2021. Their comments are included with the file and are made part of this application by reference.

V. PUBLIC COMMENT:

Staff received public comment from the Comstock Neighborhood Council with concerns about the traffic and parking accessing being pushed further into the neighborhood. The School District addressed their approach to the chosen design location in their presentations to the DRB.

VI. CONCLUSIONS:

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:

In the Residential Single Family (RSF) zone, new school buildings are allowed through a Type II Conditional Use Permit. See SMC 17C.110.110.G

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, and 4 Transportation of the City's Comprehensive Plan:

**Policy LU 2.1 Public Realm Features states: 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.*

**Goal LU5 Development Character states: Promote development in a manner that is attractive, complementary, and compatible with other land uses.*

**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 LU 6.3 School Locations states: Work with the local school districts to identify school sites that are located to serve the service area and that are readily accessible for pedestrians and bicyclists.*

**Policy LU 6.5 Schools as a Neighborhood Focus states: encourage school officials to retain existing neighborhood school sites and structures because of the importance of the school in maintaining a strong, healthy neighborhood.*

**Goal TR 3 Transportation and Land Use states: Recognize the key relationship between where people live, work, and shop and their need to have access to these places*

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 August 17, 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. Staff received comments from the Department of Ecology, COS Engineering, and COS Streets. The City of Spokane Integrated Capital Management Department (Inga Note) has been working closely with the School District on the location of their driveways, crosswalks and overall traffic patterns in the area. No additional comments or conditions were submitted.

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: The property is currently used as a middle school. The new site design will move the new school to the north side of the property, which will result in the playfields being consolidated and locating them closer to 33rd Avenue. The bus loading will also be moved from Lamonte Street to an internal bus drop off loop, which will provide for a safer transport of students without congesting the neighborhood with bus traffic. The Comstock neighborhood Council provided a letter outlining their concern with having parent drop off take the place of the bus drop off along Lamonte. A traffic analysis was reviewed, and no further conditions were required. All storm water will be retained on site and will easily infiltrate into the native, sandy soil.

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 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: A SEPA Determination of Non-significance (DNS) was issued on August 13, 2021 by Spokane Public Schools as the lead agency.

Staff Comment: As outlined in the SEPA Determination of Non-Significance and the Environmental Checklist, the project will not have significant adverse effects on the environment and surrounding neighborhood.

The applicant will be required to meet the standards set out in SMC 17C.110.500 through SMC 17C.110.575, Institutional Design Standards in Residential Zones at time of building permit review.

The applicant received a recommendation of approval from the Design Review Board on September 15, 2021. The DRB recommended the approval of the project subject to the following conditions:

1. Applicant is encouraged to provide, within the buffer along the north boundary, columnar evergreens that take into account overhead power and year-round buffering between residential neighbors and the project site.
2. Applicant shall provide a separation buffer between the playscape and bus drop-off.
3. Applicant shall continue working with the City in developing a pedestrian crossing at Grand Blvd and 32nd Ave. Applicant shall consider a more robust, pedestrian centric experience that may integrate low seatwalls, paving, lighting, and landscaping, etc.
4. Applicant is encouraged to more fully develop the signage along Grand Blvd to integrate with the proposed signage at 33rd Ave. / Lamonte St.
5. Applicant shall continue dialogue with neighborhood stakeholders and make a good faith effort to satisfy concerns regarding the design for drop off and pickup of students.
6. Applicant is encouraged to revisit the design intent for the 'tower' element and refine as necessary to achieve the stated goal of a wayfinding element.
7. Applicant is to be commended for their effort straddling the disparity in code requirements for street trees and the limitations imposed by utility locations, curb cuts, and clearview triangles. Applicant shall continue working with Urban Forestry to provide as many trees as possible given the code restrictions.
8. Applicant is strongly encouraged to refine the proposed flat red brick material to further promote the textural depth in the building facade.

Staff finds that this criterion is met.

Additional Decision Criteria for Institutional and Other Uses in Residential Zones are described in SMC 17C.320.080(F), what follows is a review of these criteria.

Chapter 17C.320.080 (F) Decision Criteria for Institutional and Other Uses in Residential Zones. These approval criteria apply to all conditional uses in RA through RHD zones. The approval criteria allow institutional uses (including expansions of existing facilities), allow increases to the maximum occupancy of group living, and permit 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.*

Relevant Facts:

The proposal is a replacement of a use that has been in existence since 1959-60 in this location. The replacement school is needed to offset the increase in the student body that will eventually take place by moving 6th grade from elementary school to middle school. With the increase of the school square footage and height the Applicant has oriented the replacement building on the site to minimize its large mass. Staff believes that the proposal has succeeded in complementing the overall appearance and function of the surrounding area.

Staff finds this criterion is met.

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.*

Relevant Facts:

The applicant will be required to integrate Institutional Design Standards in Residential Zones, SMC 17C.110.500, and apply all recommendations given by the City of Spokane Design Review Board. Institutional uses have historically had taller wall heights with previous Hearing Examiners allowing the wall height to be relaxed so long as the overall height is conforming to the residential zone maximum height of 35 feet.

Staff finds this criterion is met.

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.*

Relevant Facts:

- o Noise: No additional noise is anticipated, outside of construction.
- o Glare from lights: Overhead lighting is required to be contained on the site per SMC 17C.110.520 Lighting.
- o Late Night Operations: None associated with this institutional use.
- o Odor and litter: No odor is anticipated. Refuse produced will continue to have its weekly pick up services.
- o Privacy and safety: The new school building will be two-stories in height and nearer to the adjacent neighbor's backyards along the north boundary. The rooms in this wing will be classrooms only used by students during the school day.

Staff finds this criterion is met.

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:*
 - a) *street capacity, level of service and other performance measures;*
 - b) *access to arterials;*
 - c) *connectivity;*
 - d) *transit availability;*

- e) *on-street parking impacts;*
 - f) *access restrictions;*
 - g) *neighborhood impacts;*
 - h) *impacts on pedestrian, bicycle and transit circulation;*
 - i) *safety for all modes; and*
 - j) *adequate transportation demand management strategies.*
- 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 concept are acceptable to the engineering services department.*

Relevant Facts: The proposal does not decrease the level of service on any adjacent street. The site has access to all City of Spokane public services, and will not require any additions to be made in order to fully accommodate the proposed site development.

Staff finds this criterion is met.

VI. RECOMMENDATION

TO APPROVE the Conditional Use Permit to allow the construction of the new Sacajawea Middle School and associated uses, located at 401 E 33rd Ave.; substantially in conformance with the plans and application on file in Planning and Development, and the following conditions of approval:

1. The project will be developed in substantial conformance with SMC 17C.110.500, Land Use Standards, Residential Zones, Institutional Design Standards, to maintain compatibility with, and limit the negative impacts on surrounding residential areas.
2. The applicant received a recommendation of approval from the Design Review Board on September 15, 2021. The DRB recommended the approval of the project subject to the following conditions:
 - a. Applicant is encouraged to provide, within the buffer along the north boundary, columnar evergreens that take into account overhead power and year-round buffering between residential neighbors and the project site.
 - b. Applicant shall provide a separation buffer between the playscape and bus drop-off.
 - c. Applicant shall continue working with the City in developing a pedestrian crossing at Grand Blvd and 32nd Ave. Applicant shall consider a more robust, pedestrian centric experience that may integrate low seatwalls, paving, lighting, and landscaping, etc.
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 - f. Applicant is encouraged to revisit the design intent for the 'tower' element and refine as necessary to achieve the stated goal of a wayfinding element.
 - g. Applicant is to be commended for their effort straddling the disparity in code requirements for street trees and the limitations imposed by utility locations, curb cuts, and clearview triangles. Applicant shall continue working with Urban Forestry to provide as many trees as possible given the code restrictions.
 - h. Applicant is strongly encouraged to refine the proposed flat red brick material to further promote the textural depth in the building facade.
3. A Notice of Construction and Application for Approval is required to be submitted to Spokane Regional Clean Air Agency and approved by Spokane Clean Air prior to the construction,

installation, or establishment of an air pollution source and Notice of Intent must be submitted to Spokane Clean air prior to any demolition project or asbestos project.

4. If any artifacts or human remains are found upon excavation, the Spokane Tribe of Indians and the City of Spokane Planning & Development Services 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.
5. Prior to the issuance of building permits for the construction contemplated in this conditional use permit application, the applicant shall submit evidence to this file that the property owner has signed and caused the "Conditional Use Permit Agreement" to be recorded with the Spokane County Auditor's Office.
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. This approval does not waive the applicant's obligation to comply with all of the requirements of City Departments and outside agencies with jurisdiction over land development.

Time Limitation.

*A CUP (Type I or Type II) application automatically expires and becomes void if the applicant fails to apply for a building permit within **three years** of the effective date of the CUP.*

NOTICE OF RIGHT TO APPEAL

Appeals or requests for reconsideration of decisions by the Planning Director are governed by Spokane Municipal Code 17G.060.210 – Appeals. Decisions of the Planning Director regarding Type I or II applications are final unless appealed to the City of Spokane Hearing Examiner. All appeals must be filed with the Planning and Development Services Department within fourteen (14) calendar days of the date of the decision. All requests for reconsideration must be filed with Planning and Development Services within seven (7) days of the date of the decision. The date of the decision is October 5, 2021. **THE DATE OF THE LAST DAY TO APPEAL IS OCTOBER 19, 2021 AT 5:00 P.M.** In addition to paying the appeal fee (\$250) to appeal the decision, the ordinance requires payment of a transcript fee to the City of Spokane to cover the costs of preparing any required transcripts.

Sincerely,

Louis Meuler

Louis Meuler (Oct 6, 2021 13:23 PDT)

Louis Meuler
City of Spokane
Interim Planning Director

By: Tami Palmquist, Principal Planner
Planning and Development






Sacajawea Middle School Decision

Final Audit Report

2021-10-06

Created:	2021-10-06
By:	Stephanie Bishop (sbishop@spokanecity.org)
Status:	Signed
Transaction ID:	CBJCHBCAABAAAbJtM9zuovCBQETaDFIwkJUAbC3VSrmzf

"Sacajawea Middle School Decision" History

-  Document created by Stephanie Bishop (sbishop@spokanecity.org)
2021-10-06 - 6:47:08 PM GMT- IP address: 73.109.188.164
-  Document emailed to Louis Meuler (lmeuler@spokanecity.org) for signature
2021-10-06 - 6:48:01 PM GMT
-  Email viewed by Louis Meuler (lmeuler@spokanecity.org)
2021-10-06 - 8:22:57 PM GMT- IP address: 174.31.116.44
-  Document e-signed by Louis Meuler (lmeuler@spokanecity.org)
Signature Date: 2021-10-06 - 8:23:26 PM GMT - Time Source: server- IP address: 174.31.116.44
-  Agreement completed.
2021-10-06 - 8:23:26 PM GMT