

**DECISION ON  
CONDITIONAL USE PERMIT APPLICATION  
FILE NO. Z16-858CUP2**

**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 construction of a new gymnasium and daycare facility on the St. Aloysius School site. The proposed addition is two-stories and has a footprint of 24,372 square feet.

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

**II. GENERAL INFORMATION:**

- |                               |   |
|-------------------------------|---|
| A. Applicant:                 | St. Aloysius School<br>611 E Mission Ave<br>Spokane, WA 99202   |
| B. Property Owner:            | Same as Applicant   |
| C. Agent:                     | David Belling<br>Garco Construction<br>4111 E Broadway<br>Spokane, WA 99202<br><a href="mailto:davidb@garco.com">davidb@garco.com</a> |
| D. Location of Proposal:      | The subject property is located at 611 E Mission,<br>Parcel No. 35085.0012  |
| E. Existing Zoning:           | Residential Single Family (RSF)   |
| F. Land Use Plan Designation: | Residential (4-10 units)  |
| G. SEPA Status:               | DNS, issued December 23, 2016   |
| H. Enabling Zoning:           | SMC 17C.110 Residential Zones   |
| I. Staff Contact:             | Ali Brast, Assistant Planner, 625-6638<br><a href="mailto:abrast@spokanecity.org">abrast@spokanecity.org</a>                          |
| J. Date of Decision:          | February 15, 2017   |

**III. FINDINGS OF FACT:**

- A. **Site Description:** The site is located on the northwest corner of Mission and Dakota in the Logan Neighborhood. This has been the home of St. Aloysius since at least 1940.
- B. **Project Description:** The scope of this proposal includes the construction of a two phased building. Phase I would be the construction of the 24,672 square foot, two-story gymnasium and daycare building, with a footprint of the same size. Phase II would be the completion of an interior upper deck with a square footage of 6,912 square feet for administration offices and upper classroom space. When Phase II is constructed, the footprint would remain unchanged.
- C. **Surrounding Zoning:** The surrounding zoning is residential single family (RSF) on the north, south and west for several blocks. The property directly across the Dakota to the east is zoned CA4.
- E. **Adjacent Land Use:** The adjacent land use designation to the north, south and west is Residential 4-10. The land use designation to the east is Center and Corridor Transition Area.
- F. **Applicable Zoning Regulations:** Spokane Municipal Code (SMC) 17C.110, Residential Zones; SMC 17C.320.080.F; 17G.060.170
- G. **Procedural Requirements:**
- A Community Meeting was held on October 5, 2016;
  - Application was submitted on October 31, 2016;
  - A Request for Comments notice was sent to Departments and Agencies on November 9th, 2016;
  - A Notice of Application was mailed and posted on the subject property on December 8th, 2016 which began the 15-day public comment period; and
  - The Public Comment Period closed on December 22nd, 2016.
  - The applicant chose to revise the proposed design and submitted revised elevations on February 15, 2017

**IV. DEPARTMENT REPORTS:**

Notice of this proposal was sent to City departments and outside agencies for their review and comments on November 9th, 2016. Their comments are included with the file and are made part of this application by reference.

**V. PUBLIC COMMENT:**

Staff received one public comment from a neighbor in opposition to the proposal. The letter can be found in the file.

**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, additions to schools that are larger than 5,000 square feet 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, of the City's Comprehensive Plan:

\*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.*

Staff Discussion: The proposed gymnasium and daycare facility has been designed to mimic much of the character of the existing school façade.

**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 November 9th, 2016 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 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 site, which encompasses an entire city block, is currently the location of the St. Al's school. There is an outdoor play area and surface parking as a part of this site. The new facility is proposed to be located north of the existing school, adjacent to Dakota St. The site in general is relatively flat and is suitable for the proposed expansion of facilities. No additional parking is proposed, as there is sufficient parking on the site for the new daycare use and expanded administrative offices.

This site is located within the Critical Aquifer 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 December 23rd, 2016 by the City of Spokane 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.

**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 an expansion of an accessory use to a primary use (a school) that has been in existence since at least 1940 in this location. The proposal will not alter any existing access points and the proposed height of the gymnasium/daycare facility is no taller than the existing school.

**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, at time of building permit. The proposed design is intended to mimic the architectural elements on the existing school.

**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:

- Noise: No additional noise is anticipated outside of the existing hours of operation.
- Glare from lights: Any new overhead lighting is required to be contained on the site per SMC 17C.110.520 Lighting.
- Late Night Operations: None associated with this institutional use.
- Odor and litter: No odor is anticipated. Refuse produced will continue to have its weekly pick up services

**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. As part of the SEPA, the applicant provided a Trip Distribution Letter that summarized that the proposal will not produce a significant increase in traffic during peak hours.

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 a new gymnasium/daycare facility to the St. Aloysius School site located at 611 E Mission 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. Spokane Regional Clean Air Agency requests a Notice of Construction and Application for Approval is required to be submitted 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.

3. Spokane Tribe of Indians requests archeological monitoring of all ground disturbing activity. Additionally, if any artifacts or human remains are found upon excavation, this office should be immediately notified and the work in the immediate area cease.
4. Department of Ecology requires proper hazardous waste disposal for waste generated on site, as well as proper erosion and sediment control practices to be used on the construction site and adjacent areas to prevent upland sediments from entering surface water.
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.
5. Adhere to any additional performance and development standards documented in comment or required by City of Spokane, Spokane County, Washington Stat, and/or any Federal agency.

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 December --, 2016. **THE DATE OF THE LAST DAY TO APPEAL IS February 28th, 2017 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,



Lisa D. Key  
City of Spokane  
Planning Director

By: Ali Brast, Assistant Planner  
Planning and Development