

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

International Church of 4Square Gospel has applied for a Type II Administrative Conditional Use Permit for an Institutional Use in a Residential Single Family Zone. This project consists of an approximately 2,784 square foot addition to Summit Church to include additional sanctuary space and administrative offices. Proposed work would also include the addition of 24 parking stalls parking stalls to the existing parking lot, through the reconfiguration of existing parallel parking and the addition of a small amount of new pavement, the inclusion of perimeter landscaping, and the addition of a new curb cut south of the existing parking lot, onto 29th Ave.

The property is located at 1801 E 29th Ave, on parcel #35283.3236, on the following described property:

Heritage Congregational Church Short Plat (File#Z2010-028-FSP): Lot 5, Except that portion of Lot 5, described as follows: Beginning at the Southeast corner of Parcel H, of City SP-85-15; thence S.84°48'54"W., along the South line of said SP-85-15, 232.15 feet to the Southwest corner of Parcel F, of City SP-85-15; thence S.05°11'06"E., 106.35 feet; thence N.80°22'17"E., 213.01 feet to the East line of said Lot 5; thence N.07°11'58"E., along said East line, 91.97 feet to the Point of Beginning.

Situated in the City of Spokane, County of Spokane, State of Washington.

FINDINGS OF FACT

- A. Site Description: The site is located at 1801 E 29th Ave and occupies the 5.25 acre parcel on the corner of 29th Ave and Pittsburg St with a strip of single family homes to the north with Pinecrest Rd just north of them and the Grapetree development to the East. International Church of 4Square Gospel owns five adjoining parcels in this location, but the church is situated on Assessor's parcel number is 26253.0005. Heritage Congregational Church Short Plat (File#Z2010-028-FSP): Lot 5, Except that portion of Lot 5, described as follows: Beginning at the Southeast corner of Parcel H, of City SP-85-15; thence S.84°48'54"W., along the South line of said SP-85-15, 232.15 feet to the Southwest corner of Parcel F, of City SP-85-15; thence S.05°11'06"E., 106.35 feet; thence N.80°22'17"E., 213.01 feet to the East line of said Lot 5; thence N.07°11'58"E., along said East line, 91.97 feet to the Point of Beginning. The subject property is located in the Rockwood Neighborhood Council, directly north of 29th Ave. Summit Church is currently located near the southwest corner of the site with parking to the north, south, and east of the building. A delineated wetland sits on the eastern 1/3 of the property, outside the scope of this proposed addition. Topography is relatively flat.
- B. Project Description: The project involves an approximately 2,784 square foot addition to include additional sanctuary space and administrative offices. Proposed work would also include the addition of 24 parking stalls to the existing parking lot, through the reconfiguration of existing parallel parking and the addition of a small amount of new pavement, the inclusion of perimeter landscaping, and the addition of a new curb cut south of the existing parking lot, onto 29th Ave.

- C. Surrounding Zoning: Single Family Residential (RSF) surrounds the proposal to the north and to the west. The zoning to the east is Office-35 (O-35) and the zoning across 29th Ave to the south is Residential Multi-Family (RMF).
- D. Zoning History: The subject property has been zoned Residential Single-Family since 2006 and was zoned R1 prior to that.
- E. Adjacent Land Use: The site is adjacent to low density single family uses to the north and to the west. The properties to the east have a land use designation of office, and the properties to the south are designated Residential 15-30.
- F. Applicable Zoning Regulations: Spokane Municipal Code (SMC) 17C. 110, Residential Zones; SMC 17C.320.080 (F), Conditional Use Decision Criteria, and SMC 17G.060.170, Decision Criteria.
- G. Procedural Requirements:
- A Determination of Non-Significance was issued simultaneously with this decision on January 30, 2015 by the City of Spokane;
 - The SEPA Appeal Period will close on February 13, 2015;
 - Two Community Meetings were held on this proposal, due to a mailing error. The first was held on August 28th, 2014. The second meeting was held on October 24, 2014, as required for this application per SMC 17G.060.050;
 - Application was submitted on December 2, 2014;
 - Applicant was notified in writing on December 19, 2014 of technically complete status of application;
 - A Notice of Application was mailed and the subject property posted on January 5, 2015, which began the 15-day public comment period;
 - Public Comment Period closed on January 20, 2015.

CONCLUSIONS AND DECISION CRITERIA – CONDITIONAL USE PERMIT

The intent of the conditional use permit criteria 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 conditional use permit may be granted only if the following facts and conditions are found to exist:

SMC 17C.110.110 Limited Use Standards

Uses permitted that are subject to limitations are listed in Table 17C.110-1 with an "L." These uses are allowed if they comply with the limitations as listed in the footnotes following the table and the development standards and other standards of this chapter. In addition, a use or development listed in Part 3 of this division, Special Use Standards, is also subject to the standards of those chapters.

Religious Institutions are listed in the Residential Zone Primary Uses Table 17C.110-1 with a L[6]/CU. Limited Use Standards identifies limitation [6] as:

7. Religious Institutions.

This regulation applies to all parts of Table 17C.110-1 that have a note [6]. In the RA, RSF and RTF zones, a one-time addition to religious institutions is permitted, provided the addition is less than one thousand five hundred square feet and fifteen or less parking stalls located on the same site as the primary use. The addition and parking are subject to the development standards of the base zone and the design standards for institutional uses. New buildings or larger additions require a conditional use permit and are processed as a Type II application.

SMC 17C.320.080 Decision 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 permits 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 proposed use is an addition to an existing church. The existing overall function, intensity, and scale of this site will be relatively maintained after the addition is completed. Currently, the church has insufficient seating and onsite parking for the number of attendees. This addition is intended to accommodate those existing attendees and church program users.

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 provided building elevations as a part of their application, which indicate a building addition keeping within the residential character of the neighborhood. Additionally, institutional design standards require compatibility between more intensive uses and the lower intensity uses of adjacent residential zones. During the permitting process, the applicant will be required to adhere to design standards through treatment of blank walls, providing prominent entrances, designing appropriate massing, and providing necessary screening. The applicant's site plan indicates providing required perimeter landscaping and any removal of trees for the addition will require replanting on site for screening purposes.

Preservation of existing landscaping, generous setbacks and additional natural vegetation are proposed on the site to encourage a more compatible interface between the church building and the residential uses across the streets and to assist with pedestrian scale compatibility. Front yard setbacks on the two streets meet the requirements in a RSF zone and encourage compatibility with residential development across the street.

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: During the Community Meeting process, the church received complaints about noise and the effects on the surrounding neighbors, with reference to outdoor activities and music. The church was reminded of the City's noise ordinance, which specifies that for "residential properties, the maximum dBA [which the code defines as 'the sound level as measured with a sound level meter using the A-weighted network'] is 55" (SMC 10.08D.070). Increased landscaping will help alleviate some of the noise associated with the proposed use.

Safety Issues: During the Public Comment process, neighbors complained about the 'surplus' of cars parked on Pittsburg St; stating that the additional cars, coupled with lack of sidewalks on the western side of the church's parcel on Pittsburg, force walkers and bike riders to use the middle of the street for their activities. The addition of a sidewalk on Pittsburg the full length of the parcel, as indicated on the proposed site plan, will help alleviate some of these safety concerns. Also, the provision of 24 additional onsite parking spaces will allow for more off-street parking, again alleviating some of the safety concerns.

Glare from lights: The use is primarily indoors. Lighting would be kept on site per SMC 17C.110.520 Lighting.

Odor and litter: Regular garbage pick-up is required per SMC 13.02.0300, Public Utilities and Services, Solid Waste.

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 applicant has proposed a new curb cut on the southeastern side of the property from 29th Ave for additional access to the site. Currently the site is limited in access from 29th Ave, due to the concrete barrier at 29th Ave and Pittsburg St. The City of Spokane Traffic Engineering Department responded to this portion of the proposal, stating:

1. Ingress and egress from the site onto 29th Ave must be 'right-in / right-out' access only with an approved City Standard driveway approach to be constructed.
2. A "Right Turn Only" sign (R3-5) and a "Stop" sign (R1-1) shall be installed and maintained by Summit Church, at the exit to 29th Ave. Signing to be installed on Summit Church property.
3. If the "Right in-Right out" concept should become a future traffic issue, then the Summit Church shall be required to install a "Hard Island" in 29th Avenue to prevent left turns onto 29th Avenue from the Summit Church parking lot.

During the Public Comment period, neighbors complained about the increase in traffic on local neighborhood streets for access to the church site. The provision of the additional curb cut will assist in alleviating some of these traffic concerns.

Overall, the City of Spokane Traffic Department had determined that the proposed use is in conformance with the street designations and the City of Spokane Comprehensive Plan. The proposal does not decrease the level of service on any adjacent street.

Additionally, the inclusion of sidewalks on Pittsburg St will enhance the pedestrian and bicycle circulation and increase safety for all modes of transportation.

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.

SMC 17G.060.170 Decision Criteria – Type II and Type III permit applications.

Please see the Applicant's response to these questions in their Narrative for additional discussion.

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

New buildings or additions larger than 1,500 square feet require a conditional use permit and are processed as a Type II application. The project is subject to the development standards of the base zone and the design standards for institutional uses in accordance with SMC Table 17C.110-1, Residential Zones Primary Uses.

Staff finds that criterion 1 is met.

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

**Goal LU 1: Offer a harmonious blend of opportunities for living, working, recreation, education, shopping, and cultural activities by [...] carefully managing both residential development and design...*

**Policy LU 3.1 Coordinated and Efficient Land Use states: [Focus] growth in areas where adequate services and facilities exist*

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

**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*

**Policy TR 3.2 Reduce Distances to Neighborhood Services states: Provide a variety of services within neighborhoods that are convenient and meet the needs of neighborhood residents, decreasing the need for driving*

The City Spokane has identified goals and policies within the Comprehensive Plan, which support institutional uses in residential zones. The mix of uses supports the goals of providing live, work, and play opportunities in our residential neighborhoods.

Staff finds that criterion 2 is met.

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

The application was circulated on December 5, 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.

The site-at-large contains a wetland, but the scope of work is outside the wetland and its buffer. The proposed use does not conflict with adjacent land uses. The site is readily accessible to adequate transportation, utility, and service systems, and is convenient to the labor force.

Staff finds that criterion 3 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.*

The subject site is roughly 5.25 acres and the proposed addition is roughly 2,784 square feet, to include additional sanctuary space and administrative offices. The shape of the parcel is relatively square and the topography is generally flat. The maximum building height in a Residential-Single Family zone is 35' and the preliminary renderings appear to show a height below that maximum.

The current site plan shows a very small increase in paved areas, but mainly a restriping of some existing parallel parking stalls, to ultimately provide 24 more parking stalls on site. The proposed number of stalls appears to be within the current allowable parking calculations, but review at time of building permit will be required. Additionally, the site plan indicates the installation of sidewalks along Pittsburg, adjacent to the parcel. Interior landscaping and street trees will be required in conjunction with this addition and will be noted as a condition of approval.

The site-at-large contains a wetland, which was delineated as part of a short plat in 2009. During the Agency Review portion of the process, Department of Ecology replied with comments indicating that the delineation and buffer need to be recorded in a deed restriction, which will be condition of this Conditional Use Permit.

The site area is suitable for development according to all city departments and agencies that commented. All improvements required by development regulations in the SMC and those noted by all that commented are applicable. No known historical or cultural features are known to exist within the site area.

Staff finds that criterion 4 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.*

A determination of non-significance is being issued by the City of Spokane simultaneously with this decision, on January 30, 2015.

Numerous public comments were received in opposition to this proposal (approximately 13 written letters). Overall, the neighbors expressed concern over the amount of noise the church currently makes, the volume of traffic through the neighborhood produced by church attendees, and the decrease in safety along Pittsburg St due to the a large amount of cars parked on the street and lack of sidewalks in front of the church on Pittsburg.

During the Community Meeting portion of the application process, the neighbors raised complaints about the noise effects of loud outdoor concerts and activities. This brought the issue of noise to the church's attention and the church was reminded, by the City of

Spokane, of the maximum allowable decibel level in residential zones, which is a dBA of 55. During the Community Meeting, in response to these complaints, the church responded that their programming will no longer contain outdoor concerts, but the summertime outdoor youth groups will remain, and that they appreciated knowing how their activities were affecting the neighbors.

As a solution to help alleviate the volume of traffic through the neighborhood to the north, the church has proposed an additional curb cut to the south of the property, on to 29th Ave. This would be a right-in / right-out curb cut to provide an additional access point for attendees of the church, hopefully alleviating some of the traffic volumes on the local streets to the north.

Another concern identified during the Community Meeting, and mentioned numerous times in neighborhood letters received during the Public Comment portion of the process, is the number of cars parked on Pittsburg St and perceptions of decreased safety, due to lack of visibility and sidewalks. The church responded that up until now, they had specifically asked staff and volunteers to park on the street to allow for sufficient parking for church attendees in the paved parking lot on site. Now, the church is working on negotiating a parking agreement between themselves and the Grapetree property to the east, to allow for overflow parking on Sundays and help alleviate the on-street parking complaints. Currently, the church is limited to a maximum parking calculation of 1 stall per 100 square feet of main assembly area. The neighbors raised concerns that even providing the maximum number of parking stalls for the existing and proposed assembly areas will not provide sufficient parking for the current use of the site.

The City of Spokane Planning Director can approve parking ratios that are higher than the maximum, if sufficient data is provided to indicate that a different amount is appropriate. The applicant assumes the burden of proof and approval of parking above the maximum shall be conditioned upon increasing the amount of required landscaping by thirty percent, per Spokane Municipal Code 17C.230.130.B. If Summit Church makes such a request to the Planning Director, the existing SEPA checklist would be required to be amended to allow for analysis of those additional parking stalls.

Staff finds that criterion 5 is met.

SMC Table 17G.060-3 Community Meeting, Public Notice, Review Official, and Expiration for Land Use Permits

Time Limitation.

A Conditional Use Permit (Type II) automatically expire and becomes void if the applicant fails to apply for a building permit within three years of the effective date of the Conditional Use Permit unless the applicant has received an extension for the Conditional Use Permit as provided in SMC Section 17G.060.240 (D).

DECISION

TO APPROVE the Conditional Use Permit to allow the approximately 2,784 addition to Summit Church, located at 1801 E 19th Ave; substantially in conformance with the plans and application on file in Planning and Development Services, 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. Traffic and Engineering requirements are stated as follows:
 - a. Ingress and egress from the site onto 29th Ave must be "right-in/right-out" access only with an approved City Standard driveway approach to be constructed. On the site plan submitted for the building permit please identify which City Standard Plan proposed for review and approval.
 - b. A "Right Turn Only" sign (R3-5) and a "Stop" sign (R1-1) shall be installed, and maintained by Summit Church, at the exit to 29th Avenue. Signing to be installed on Summit Church property.
 - c. If the "Right in-Right out" concept should become a future traffic issue, then the Summit Church shall be required to install a "Hard Island" in 29th Avenue to prevent left turns onto 29th Avenue from the Summit Church parking lot.
 - d. All parking and maneuvering areas must be paved per SMC 17C.230.140C from all driveway approaches and through the parking lot. During building permit review, accessible routes of travel, standard driveways, and standard parking lot dimensions must be noted.
 - e. The existing and accessible barrier-free parking spaces need to comply with current City of Spokane Standard Plans G-54 & B-80A. With 146 existing parking stalls, five accessible stalls are required with one being van accessible.
 - f. A mutual use and access agreement will be required, if not already in place, between both properties for shared access.
 - g. Adequate access and maneuvering for refuse/emergency vehicles is required per the City Standards and must be maintained during construction.
 - h. *"The City shall collect impact fees, based on the schedules in SMC 17D.075.180, or an independent fee calculation provided for in SMC17D.075.050, from any applicant seeking development approval from the City."* An impact fee will be assessed for a 2,784sf addition in the South Service Area at \$.40/sf = \$1,113.60 + 50.00 admin fee and must be paid prior to issuance of the building permit.
 - i. Please provide clarification that the existing stormwater facilities are adequate for the proposed project. Stormwater requirements can be found in the Spokane Regional Stormwater Manual (SRSM) and City of Spokane Design Standards Section 6. Please include a detailed Site Plan or Civil Plans which show and clearly delineate existing and proposed sewer, water, drainage structures, dry well types, swale bottom areas and property lines. Show proposed and existing pavement. The geotechnical report, drainage report and civil plan must be stamped and signed by an engineer licensed in the State of Washington.
 - j. Confirm the existing stormwater system has capacity for additional runoff. All storm water and surface drainage generated on-site must be disposed of on-site in accordance

with *SMC 17D.060.140* "Storm water Facilities" as per the Project Engineer's recommendations.

- k. Any drywells on-site (existing and proposed) must be shown and registered with the Washington State Department of Ecology.
3. Department of Ecology requirements are as follows:
 - a. The previously delineated wetland and its buffer must be recorded in a deed restrictions, as described on pages 6 and 7 of the 2009 Wetland Report;
 - b. All exterior lighting should be directed away from the wetland and/or shielded to minimize light disturbance to the wetland;
 - c. Generators, pumps, engines, and other loud machinery should not be located adjacent to the wetland buffer;
 - d. Except when public health is of concern (i.e. mosquito abatement), pesticides should not be used within 150 feet of the wetland boundary;
 - e. Where practical, existing stormwater discharges to the wetland should be retrofitted to allow for infiltration in lieu of direct discharge to the wetland;
 - f. Stormwater runoff from new impervious surfaces should be infiltrated outside of the wetland buffer (or treated, detained, and dispersed within the buffer);
 - g. Channelized flow from landscape irrigation should be prevented from entering the wetland or its buffer;
 - h. Prior to development in parcels that include the wetland or its buffer, privacy fencing, or a combination of fencing and tall shrubs, should be installed along the outside perimeter of the wetland buffer to protect the wetland from disturbance; and
 - i. Best management practices to control dust should be implemented during construction on parcels adjacent to the wetland or its buffer.
 4. Planning's requirements are as follows:
 - a. L2 perimeter landscaping is required inside the property line, along Pittsburg and 29th Ave;
 - b. If the church should request a parking ratio higher than the maximum, a condition of approval will be a 30 percent increase in interior parking lot landscaping;
 - c. If the church should request a parking ratio higher than the maximum and provide more parking than originally indicated in this approved site plan, the SEPA checklist must be amended;
 - d. If any trees are removed onsite for construction of the addition or of the new drive aisle, new trees are required to be replanted somewhere on site;
 - e. Street trees are required along Pittsburg St.; and
 5. Spokane Tribe of Indians requests that if any artifacts or human remains are found upon excavation, this office should be immediately notified and the work in the immediate area cease.
 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.


NOTICE OF RIGHT TO APPEAL

Appeals of the Planning Director's decision are governed by Spokane Municipal Code 17G.060.210. Any party of record may file an appeal of this decision. Decisions of the Planning Director regarding administrative conditional use permits 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 January 30, 2015.

The date of the last day to appeal is the 13th day of February , 2015 at 4:00 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 30th day of January, 2015

A handwritten signature in black ink, appearing to read "Louis Meuler", written over a horizontal line.

Louis Meuler, Interim Planning Director
Planning and Development

By: Ali Brast, Assistant Planner
Planning and Development