



COPY

STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

4601 N. Monroe, Suite 202 • Spokane, Washington 99205-1295 • (509) 456-2926

October 21, 1998

Mr. Steve Haynes
City of Spokane
808 West Spokane Falls Boulevard
Spokane, WA 99201

Dear Mr. Haynes:

This letter will document Ecology's concerns regarding the Schade Parking Variance.

The permit and conditions appear to address compliance with most aspects of the City's Shoreline Master Program and RCW 90.58, the Shoreline Management Act (SMA). There are a couple of issues that need further review, which this letter will identify.

WAC 173-27-170 lists the review criteria for variance permits. From my reading of the criteria and review of the permit package, it appears that the applicant has not demonstrated that he is precluded from or significantly interfered with as to reasonable use of his property. Without the variance the applicant can accommodate parking for approximately 160 vehicles and 184 vehicles with the variance. It seems that a reduction of 24 spaces to 160 is reasonable. Can the City issue a variance to its parking space requirement? Possibly some sort of compromise can be reached? WAC 173-27-170(2)(a)(e).

Secondly, I cannot tell from the site plan submitted with the permit package, what vegetation is existing and what is proposed. Should we be able to reach an understanding on the reasonable use aspect mentioned above, Ecology will have to review and approve final design and landscaping plans before construction begins. WAC 173-27-180(9).

Please submit your response to the concerns listed above no later than 30 days from receipt of this letter. If the requested information is not received within that 30-day period we will return the permit package as incomplete.

Sincerely,

Michael W. Maher

MWM:kt
Shorelands Permit Review
Eastern Regional Office

cc: Mark Leonard
Gary T. Conner, 3E Design Group





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DEPARTMENT OF ECOLOGY

4601 N. Monroe, Suite 202 • Spokane, Washington 99205-1295 • (509) 456-2926

November 20, 1998

Steve Haynes
Spokane City Planning & Building
W 808 Spokane Blvd
Spokane WA 99201- 3333

Mark Leonard
528 East Trent Avenue
Spokane WA 99202

Dear Mr. Haynes and Mr. Leonard:

Re: City of Spokane Permit #Z9800061SL/VA
Leonard, Mark - Applicant
Shoreline Substantial Development/Variance Permit 1998-ER-10044-1

The Department of Ecology has reviewed the above referenced Shoreline Variance permit to construct a parking lot within the 100 foot setback of the Spokane River.

We concur that the proposal, as conditioned by the City of Spokane, meets the intent of the master program and the criteria set forth in WAC 173-27-170 for granting a Variance. The permit is hereby approved.

This approval is given pursuant to requirements of the Shoreline Management Act of 1971. Other federal, state, or local approvals may be required.

Those developments and activities authorized by the subject permit may not begin until twenty-one (21) days from the transmittal date of this approval letter, or until conclusion of any review proceeding (appeal) initiated within the twenty-one day period. The Shorelines Hearings Board will notify you by letter if this permit is appealed.

If you have any questions on the above action, please contact Michael W. Maher at (509) 625-5185.

Sincerely,

G. Thomas Tebb, Section Manager
Central and Eastern Regional Offices
Shorelands and Environmental Assistance Program

GTT: MWM:mm
VARA.DOC
Enclosure



SHORELINE MANAGEMENT ACT OF 1971

SHORELINE SUBSTANTIAL DEVELOPMENT CONDITIONAL USE PERMIT WITH VARIANCE

Pursuant to RCW 90.58, a shoreline substantial development permit is hereby granted to to construct located at , in the southeast quarter of Section 13, Township 25 North, Range 42 East of the Willamette Meridian.

The project will be within shorelines of state-wide significance (RCW 90.58.030). The project will be located within the Latah Creek Rural environment designation.

A SEPA DNS was issued on 9-25-98

This permit has been approved by the City of Spokane Planning Director. The permit has been approved after a thorough analysis and finding that the development is consistent with the Shoreline Master Program and meets the criteria for a Shoreline Permit.

This permit is granted pursuant to the Shoreline Management Act of 1971 and nothing in this permit shall excuse the applicant from compliance with any other federal state or local statutes ordinances or regulations applicable to this project but not inconsistent with the Shoreline Management Act (Chapter 90.58 RCW)

Development shall be undertaken pursuant to the terms and conditions of the Hearing Examiners Decision.

This permit may be rescinded pursuant to RCW 90.58.140(8) in the event the permittee fails to comply with the terms or conditions hereof.

CONSTRUCTION PURSUANT TO THIS PERMIT WILL NOT BEGIN OR IS NOT AUTHORIZED UNTIL TWENTY ONE (21) DAYS FROM THE DATE OF FILING AS DEFINED IN RCW 90.58.140(6) AND WAC 173.14.090. THE FINAL ORDER OF THE LOCAL GOVERNMENT WITH THE REGIONAL OFFICE OF THE DEPARTMENT OF ECOLOGY AND THE ATTORNEY GENERAL, OR UNTIL ALL REVIEW PROCEEDINGS INITIATED WITHIN THIRTY (30) DAYS FROM THE DATE OF SUCH FILING HAVE TERMINATED; EXCEPT AS PROVIDED IN RCW 90.58.140(5)(a)(b)(c).

October 15, 1998
DATE:

Charles J. Watson By SLH
PLANNING DIRECTOR

This section for Department of Ecology use only, in regard to a Substantial Development Permit with a Conditional Use or Variance.

Date received by Department of Ecology 10-19-98

Approved X Denied _____

This substantial development permit with conditional uses/variance is approved by the Department of Ecology pursuant to Chapter 90.58 RCW. Development shall be undertaken pursuant to the following additional terms and conditions:

11-19-98 J. Thomas Lebl
Date Signature of Department of Ecology Official



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

4601 N. Monroe, Suite 202 • Spokane, Washington 99205-1295 • (509) 456-2926

November 20, 1998

Steve Haynes
Spokane City Planning & Building
W 808 Spokane Blvd
Spokane WA 99201- 3333

Mark Leonard
528 East Trent Avenue
Spokane WA 99202

Dear Mr. Haynes and Mr. Leonard:

Re: City of Spokane Permit #Z9800061SL/VA
Leonard, Mark - Applicant
Shoreline Substantial Development/Variance Permit 1998-ER-10044-1

The Department of Ecology has reviewed the above referenced Shoreline Variance permit to construct a parking lot within the 100 foot setback of the Spokane River.

We concur that the proposal, as conditioned by the City of Spokane, meets the intent of the master program and the criteria set forth in WAC 173-27-170 for granting a Variance. The permit is hereby approved.

This approval is given pursuant to requirements of the Shoreline Management Act of 1971. Other federal, state, or local approvals may be required.

Those developments and activities authorized by the subject permit may not begin until twenty-one (21) days from the transmittal date of this approval letter, or until conclusion of any review proceeding (appeal) initiated within the twenty-one day period. The Shorelines Hearings Board will notify you by letter if this permit is appealed.

If you have any questions on the above action, please contact Michael W. Maher at (509) 625-5185.

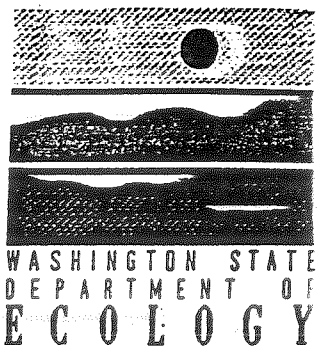
Sincerely,

G. Thomas Tebb, Section Manager
Central and Eastern Regional Offices
Shorelands and Environmental Assistance Program

GTT: MWM:mm
VARA.DOC
Enclosure



Department of Ecology
Shorelands



TO: Tom Tebb
FROM: Michael Maher
DATE: 11-16-98 ER-1998-10044
SUBJECT: Shoreline Conditional Variance Permit No. ER 10044
Issued by: City of Spokane
To: Mark Leonard DBA Shade Towers.

I have reviewed the above referenced Permit Use to: (describe - include waterbody)

locate parking within the 100' setback along the Spokane River.

I recommend that the Department:

- APPROVE the permit
- As conditioned by the issuing agency
- Provided that the following condition(s) are incorporated:

because this project: 1) is consistent with the policies of the Act and the Master Program; 2) does not interfere with normal public use of public shorelines; 3) is compatible with surrounding permitted uses; 4) causes no unreasonable adverse effects to the shoreline environment designation; and 5) imposes no substantial detrimental effect on the public interest. The subject use is not specifically prohibited by the Master Program, and any cumulative impacts of like actions are consistent with the policies of the Act and the Master Program.

DENY the permit because:

Tom
worked @ Steve Hagnas (City) and applicant to get a "reasonable" compromise. Steve conditioned as we would have.
Mike



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DEPARTMENT OF ECOLOGY

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October 21, 1998

Mr. Steve Haynes
City of Spokane
808 West Spokane Falls Boulevard
Spokane, WA 99201

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WAC 173-27-170 lists the review criteria for variance permits. From my reading of the criteria and review of the permit package, it appears that the applicant has not demonstrated that he is precluded from or significantly interfered with as to reasonable use of his property. Without the variance the applicant can accommodate parking for approximately 160 vehicles and 184 vehicles with the variance. It seems that a reduction of 24 spaces to 160 is reasonable. Can the City issue a variance to its parking space requirement? Possibly some sort of compromise can be reached? WAC 173-27-170(2)(a)(e).

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Sincerely,

Michael W. Maher

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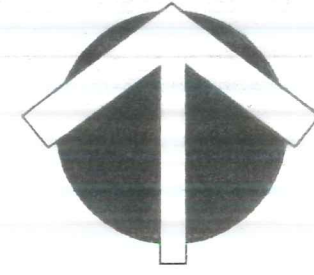
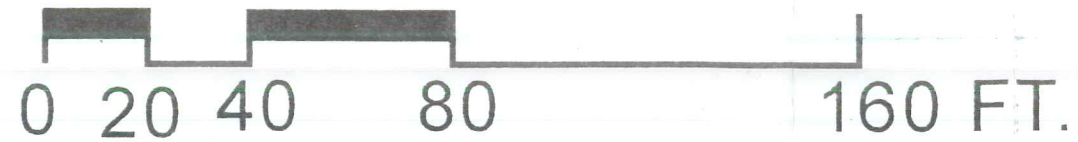
MWM:kt
Shorelands Permit Review
Eastern Regional Office

cc: Mark Leonard
Gary T. Conner, 3E Design Group

Entered
10-20-98
? setback
minimal out?
208 swabe?
trail?



PRELIMINARY SITE PLAN



APPLICANT / OWNER:

**MARK LEONARD
528 E. TRENT
SPOKANE, WA. 99202**

DATE: JUNE 29, 1998

SCHADE TOWERS

Sent to Abadan 4/15/19.

3E DESIGN GROUP P.S.

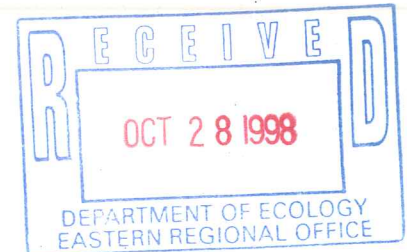
ARCHITECTURE • PLANNING • INTERIOR DESIGN



October 27, 1998

Larry S. Chalmers
Gary T. Connor, AIA
Robert J. Kasberger

Michael W. Maher
Department of Ecology
4601 N. Monroe, Suite 202
Spokane, WA 99205-1295



Re: Shoreline Conditional Use & Variance
Schade Towers
528 E. Trent Ave.
Spokane, WA

Dear Michael:

My office is in receipt of a copy of your letter addressing the Shoreline Variance request for Schade Towers.

The letter makes reference to the "WAC" statutes regarding variances. In the letter you indicate that the reduction of parking spaces seems "reasonable", implying that this reduction does not impact the project. In response to this I would offer the following information for your consideration on this matter.

1. Attached to this letter please find a parking analysis for the building, based on proposed uses. As you can see from the analysis the building, as it presently exists, requires 218 parking spaces. With the addition of new floor space, on the third and fourth floors, a total of 228 parking spaces would be required. A parking variance or exception has already been discussed with the City. They are willing to "grandfather" in the existing uses on the basement and first floor areas for exclusion from the parking count.
2. The site plan submitted with the Shorelines Permit Application indicates parking for approximately 184 spaces. What is not noted on the plan is that 57 of those spaces are located in the Front Avenue right-of-way and are not included on the land parcel associated with the project. With these removed, there are 157 parking spaces available on site. The City is, again, issuing a variance and/or exception for allowing required parking to be placed in public right-of-way, due to the nature and location of this project.
3. As indicated on the City's conditions for approval, the extension of the river edge walkway may impinge even further on the parking area in order to facilitate required access to the area on the high river bank. If this is the case, it will, again, affect the

number of parking spaces available at that location.

4. The majority of the parcel affected by the Shorelines Permit application was not part of the original building parcel, which was purchased by the present owner. The present owner has secured this additional parcel strictly for the purpose of providing parking to this building. The purchase of this parcel had a very significant economic impact in the overall project costs.

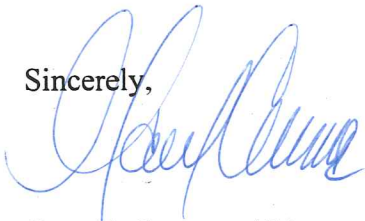
As you can see from the arguments noted above, the City has continued to work with the present owner to ensure the project's success, in spite of the limited amount of parking. The argument that 24 spaces are not significant to this overall project cannot be utilized as an argument for denying this application. The 24 spaces indicated are essential to a project already lacking in required parking, despite all of the compromises worked out between the owner and the City.

The second issue is regarding the amount of existing vegetation on the river bank area. I have enclosed some photographs of the existing conditions. As you will see, the existing area of the proposed parking area is devoid of any existing vegetation, and has been for years. The only vegetation that exists is on the river bank directly adjacent to the high water mark, which is also documented in the photographs. I have also included a copy of an aerial taken of this project prior to the most recent development. As you will note, there was a lack of vegetation, at that time, due to the amount of dumping which had occurred on the site. I can assure you that our office will work with not only the City, but also the Department of Ecology to submit approved landscape plans which will illustrate the reuse and introduction of compatible planting materials for this project.

Your letter addresses concerns associated with the Variance Request only. Are we to assume that the Conditional Use Permit portion of the application is acceptable and will be supported by the Department of Ecology?

I trust that this information will assist you in your final decision. If any other documentation or facts are required, please do not hesitate to call me.

Sincerely,



Gary T. Connor, AIA

CC: Mark Leonard
Steve Haynes

**SCHADE TOWER
PARKING ANALYSIS**

FEBRUARY 25, 1998

Parking Requirements per Zoning:

Office	First Floor - 1 car / 400 sf
	Basement & Upper Floors - 1 car / 600 sf
Retail	First Floor - 1 car / 250 sf
	Basement & Upper Floors - 1 car / 400 sf
Restaurant	1 car / 4 seats (Use 15 sf / seat in Dining Room only)
Warehouse	1 car / 1000 sf

Building Area:

Basement	16,988 sf	
Basement Mezzanine	7,956 sf	
First Floor	19,700 sf	
Second Floor	13,345 sf	
Third Floor	9,817 sf	Future 3,000 sf
Fourth Floor	1,188 sf	Future 3,081 sf
Fifth Floor	1,188 sf	

Parking Required: (Based on existing building areas)

Cars Req'd.

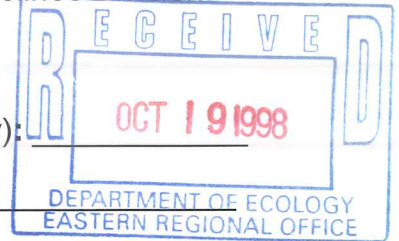
The building containing all Office space:		132
The building with the following mix:	Basement Retail:	62
	First Floor Retail:	78
	Second Floor Rest.	
	200 Seats:	50
	Remaining Retail:	8
	Third Floor Office:	16
	Fourth Floor &	
	Fifth Floor Office:	4
	Total:	218
Future Third & Fourth Floor Office space:	Add:	10



**Shoreline Management Act
Permit Data Sheet and Transmittal Letter**

From: City of Spokane
808 W Spokane Falls Blvd
Spokane Wa 99201

To: Eastern Washington Shorelines Division



Transmittal Date: 10-15-98

Receipt Date (Ecology): _____

Type of Permit:

State Permit No. _____

- Substantial Development
- Conditional Use
- Variance
- Revision
- Other

Local Government Decision:

- Approval
- Conditional Approval
- Denial

Local Government No. Z9800061-SL/VA

Applicant Information:

Applicant's Representative:

Name: Mark Leonard

Name: Gary T. Conner

Address: 501 N. Riverpoint Blvd. St. 425
Spokane WA 99202

Address: 528 E Trent
Spokane WA 99202

Phone: 509-456-8218

Phone: 509-455-4568

Is the applicant the property owner? Yes No

Location of the Property: Located in the southwest quarter of Section 17, Township 25 North, Range 43 East of the Willamette Meridian

Water Body Name: Spokane River

Shoreline of State Significance: Yes

Environment Designation: Upriver Urban

Project Description: To obtain approval of a Shoreline Substantial Development Permit with a Variance to construct a parking lot east of the existing Schade Towers/Brewery to support the retail business uses that are proposed to be located within the building which is being remodeled. Normally, parking is allowable within the shoreline jurisdictional boundary of 200 feet from the shoreline, so long as it is 100 feet away from the shoreline. In this application, a variance is requested to locate the parking within 40 feet of the shoreline.

Notice of Application Date: 7-29-98

Final Decision Date: 10-16-98

By: Steven L. Haynes

Phone: 509-625-6088

CITY OF SPOKANE HEARING EXAMINER

Re: Shoreline Conditional Use Permit) FINDINGS, CONCLUSIONS,
and Variance Application by) AND DECISION
Mark Leonard for)
the Schade Brewery Building) FILE NO. Z9800061SL/VA

SUMMARY OF PROPOSAL AND DECISION

Proposal: To construct a parking lot to serve the historic Schade Brewery Building which is being renovated. The applicant seeks a variance to allow a 60-foot encroachment into the 100-foot shoreline setback for the parking lot.

Decision: Approval, subject to conditions.

FINDINGS OF FACT
BACKGROUND INFORMATION

Applicant: Mark Leonard
528 East Trent Avenue
Spokane, WA 99202

Represented by: Gary T. Connor
3E Design Group
501 North Riverpoint, Boulevard, Suite 425
Spokane, WA 99202

Property Address: 528 East Trent Avenue

Property Location: The property is bounded by Trent Avenue on the north, Front Avenue on the south, and the Spokane River on the east.

Legal Description: None provided

Zoning: M1-L (Limited Light Industrial Zone)

Comprehensive Plan Map Designation: The property is designated in the East Central Neighborhood Design Plan as appropriate for light industrial uses. Staff notes also that the Shoreline Master Program (SMP) and the Riverfront Development Program designate the area as Park Drive and Greenbelt.

Site Description: The site is irregular in shape and reasonably flat except where it slopes steeply down to the Spokane River. The site contains approximately 122,000 square feet, but the portion which is the subject of this permit contains approximately 53,000 square feet. The site is developed with the historic Schade Brewery Building in the center, with a parking lot being constructed on the west side of that building. To the

east of the historic building is vacant land which the applicant seeks to develop with additional parking, landscaping, "208" areas, and a public access trail along the Spokane River.

Surrounding Conditions: The surrounding zoning is all Industrial. The area is primarily retail sales in nature, with adjacent buildings being employed for those types of uses or as office space. There is a building to the south which is used for warehousing and a truck terminal. The property fronts on Front Avenue which is a Local Access Street, and is adjacent to Trent Avenue, which is a Principal Arterial and State Highway in this location.

Project Description: The applicant is renovating the Schade Brewery Building, which is on the Spokane Register as a historic structure. In order to maximize the use of the building, the applicant must develop more parking. He is currently developing a parking lot on the west side of the building, which is outside of the shoreline boundary. The building, itself, is also outside the 200-foot shoreline boundary. In order to develop parking on the east side of the building, the applicant needs a variance from the requirement that parking not be located closer than 100 feet from the ordinary high-water mark. If the variance is not granted, the applicant's parking lot will contain 24 fewer spaces and will, consequently, reduce the number of retail uses that can be placed inside the building.

PROCEDURAL INFORMATION

Authorizing Ordinances: Spokane Municipal Code Sections 11.02, 11.02.0452, 11.02.0454, 11.15, 11.19, 11.19.170, and 11.19.290. Shoreline Master Program (SMP) Sections 13.18, 13.19, and 16.02

Hearing Date: October 6, 1998

Site Visit: October 5, 1998

Notices: Mailed: July 29, 1998 and September 18, 1998
Posted: July 29, 1998 and September 21, 1998

SEPA: A Determination of Nonsignificance was issued by the City on September 25, 1998.

Testimony:

Steve Haynes
City of Spokane Planning Services
808 West Spokane Falls Boulevard
Spokane, WA 99201

Patty Kells
City of Spokane Construction Services
808 West Spokane Falls Boulevard
Spokane, WA 999201

Gary Connor
3E Design Group
501 North Riverpoint Boulevard, #425

Spokane, WA

Exhibits:

1. Notes from predevelopment conference
2. Application, including:
 - 2A. General application
 - 2B. Variance application
 - 2C. Shoreline substantial use permit application
 - 2D. Substantial development application
 - 2E. Application for notification map
 - 2F. Site plan
3. Application Certification
4. Construction Services-Plan Review Department comments
5. Transportation Department comments
6. Solid Waste Department comments
7. Air Pollution Control Authority comments
8. Department of Ecology comments
9. Notice map
10. Notice
11. Notice letter to applicant
12. Affidavit of Mailing
13. Affidavit of Posting
14. Planning Services Staff Report
15. Determination of Nonsignificance
16. Environmental Checklist
17. Letter dated 3-16-98 to Gale Olrich from Gary T. Connor
re: conversation with City Staff about shoreline issues
18. Letter dated 3-17-98 to Gary T. Connor from Gale Olrich
responding to letter dated 3-16-98
19. Letter dated 4-3-98 to Gary T. Connor from William Mott
re: hold harmless agreement
20. Letter dated 8-12-98 to Steve Haynes from Brian Whitfield
supporting the application
21. Community meeting notes
22. Letter dated 8-26-98 to Steve Haynes from Terry L Novak
supporting the application
23. Letter dated 10-7-98 to the Hearing Examiner from Gary Connor
responding to request for additional information

Preliminary Finding:

Staff has stated in its report that the applicant needs and is seeking a shoreline conditional use permit as well as a variance for the parking lot. The Hearing Examiner has reviewed the Shoreline Master Program and is of the opinion that the shoreline conditional use permit is unnecessary. Section 13.18 of the Shoreline Master Program states that in the Upriver Environment, where this building is located, the restoration of historic structures is a use permitted outright. SMP 13.18.022. The Schade Brewery

Building is a historic structure which is on the Spokane Register. Further, SMP Section 13.18.054 reads:

13.18.054 Districts, sites, buildings, structures, and objects that are or may be significant in American, Washington, and Spokane history, architecture, archeology or culture should be protected and preserved.

Further, in SMP 13.19.021, it states that parking areas which serve permitted uses are allowed in all environments, which would include this one. The only restriction is that they are not located within 100 feet of the shoreline boundary.

The applicant seeks to locate parking within 100 feet of the shoreline boundary but that parking is to serve what is considered under the Shoreline Program as a permitted use. Therefore, the Hearing Examiner finds that the conditional use permit is not necessary and will only analyze the variance request.

FINDINGS AND CONCLUSIONS

To be approved, the proposed variance must comply with all of the criteria set forth in Spokane Municipal Code Section 11.02.0454. The Hearing Examiner has reviewed the proposed variance and the evidence of record with regard to this Section and makes the following Findings and Conclusions:

1. A variance or modification of the standard or requirement is not prohibited by the land use codes.

Both the City's Shoreline Master Program and the State Shoreline Act allow variances. SMP Section 16.02 states that variances are allowed to grant relief to specific bulk, dimensional, or performance standards set forth in the Master Program. A variance of the use of the property, however, is not allowed. Further, WAC 173-27-170 states that the purpose of the variance is to grant relief from specific bulk, dimensional, or performance standards as set forth in the applicable Master Program. It also states that variances from the use regulations of the Master Program are prohibited. In this case, parking is a permitted use but has the dimensional limitation of having to be located no closer than 100 feet from the shoreline. It is that dimensional requirement that the applicant seeks to vary and, therefore, this criterion has been met.

2. No other procedure is provided in this chapter to vary or modify the standard or requirement, or compliance with such other procedure would be unduly burdensome.

There are no other procedures in the Shoreline Master Program for varying a dimensional requirement such as the applicant proposes. Therefore, the variance is the applicant's only avenue to achieve his purposes.

3. Strict application of the standard or requirement would create an unnecessary hardship due to one or more of the reasons listed below. Mere economic hardship

or self-created hardship are not considered hardships for the purposes of this section.

a. The property cannot be developed to the extent similarly zoned property in the area can be developed because the physical characteristics of the land, the improvements, or uses located on the land do not allow such development.

The applicant seeks to renovate the historic Schade Brewery Building and occupy it with various retail and commercial uses such as shops and restaurants. In order to do this, additional parking is required under the City's code. Because the building is already in place, parking must be located on the rest of the site, some of which is in the shoreline area. The site is a difficult site in that it is long and narrow, and locating parking in the shoreline area is the only way it can be developed. If adequate parking is not developed, it could affect the financial viability of the building as a renovated historic structure and could have a detrimental effect on that renovation project. This could interfere with the reasonable use of this property as a historic structure. The Hearing Examiner also adopts the Findings under this criterion set forth in the Planning Services Staff Report, Exhibit #14, pages 3 and 4. The Hearing Examiner also adopts the reasons for the requested variance as set forth in Exhibit #23 wherein Mr. Gary Connor, the applicant's agent, analyzes the State variance criteria.

b. Compliance with the requirement or standard would eliminate or substantially impair a natural, historic, or cultural feature of area-wide significance.

As stated above, compliance with the parking setback would impair the property owner's ability to fully renovate the Schade Building. If, in fact, this makes the renovation not financially feasible then it is conceivable that the building, which is on the Spokane Register of Historic Places, could be left to deteriorate or be demolished, which would result in the elimination or impairment of a historic feature. Therefore, the Hearing Examiner finds that this criterion has been met.

4. Notwithstanding the proposed modification of the standard or requirement, all of the following objectives shall be reasonably satisfied:

a. **Surrounding properties will not suffer significant adverse effects.**

The surrounding properties should benefit by the renovation of this brewery building, and the site improvements the applicant is planning. There were no adverse comments from any adjacent property owners regarding the project and, in fact, there are letters in the record from adjacent property owners which support the project. The Hearing Examiner presumes that an adjacent property owner would not support the project if there would be adverse impacts. Also, the City issued a Determination of Nonsignificance under SEPA. Therefore, this criterion has been met.

b. The appearance of the property will not be adversely affected.

The Hearing Examiner finds this criterion has been met and, in so doing, hereby adopts and incorporates the Planning Services Department Findings on this criterion, set forth in the Planning Services Staff Report, Exhibit #14, pages 4 and 5.

c. The ability to develop the property in compliance with other standards will not be adversely affected.

There should be no adverse impact on the ability to comply with other standards. Public access will be developed along the river, which will tie in to similar public access behind the office building to the north, and no other standards should be compromised.

5. The cumulative impact of several additional variances on the shoreline in the area will not preclude achieving the goals of the shoreline master program.

One of the goals of the Shoreline Master Program as set forth in Chapter 13.18 is to preserve significant historic structures. That is the applicant's goal, and that is why the variance is necessary. Even if other variances for parking were granted in conjunction with other historic structures along the shoreline, the Examiner believes that this would still be in keeping with the goals of the Shoreline Program. Therefore, the Hearing Examiner finds that the cumulative impact of several additional variances, if they were proposed, would still achieve the goals of the program.

The Hearing Examiner hereby also adopts the aforementioned Exhibit #23, and the reasons set forth therein to support the granting of the variance. The Hearing Examiner finds that the criteria in WAC 173-27-170 have been met under this set of facts and, therefore, this variance should be granted.

DECISION

Based on the Findings and Conclusions above, it is the decision of the Hearing Examiner to approve the proposed variance subject to the following conditions:

1. Approval is for a shoreline variance to allow parking within the 100-foot shoreline setback area in conjunction with the renovation of the historic Schade Brewery Building. The parking area shall be developed substantially as set forth on the applicant's site plan, which is in the record as Exhibit #2F. This is a conceptual plan, however, and a final plan meeting the requirements of the City code and the agencies with jurisdiction over land development, shall be submitted to Planning Services for its review and approval. Any future changes to that plan must also be submitted to Planning Services for review and, if those changes are deemed substantial, they may be resubmitted to the Hearing Examiner for review and approval.

2. Public access via a paved trail is to be constructed by the applicant along the river, generally as shown on the conceptual plan. That trail will connect to the trail behind the office building immediately to the north of this site.
3. A final landscape plan for the shoreline and the parking area shall be submitted for review and approval by Planning Services. Only native species are to be planted in the shoreline area between the river and any hard surfaces. No existing native species are to be removed without the consent of Planning Services.
4. Any piles of broken concrete located near the water on the applicant's property must be removed.
5. All parking must meet City standards.
6. All on-site stormwater runoff must be disposed of in accordance with the "208" Program. A grading and drainage plan must be submitted to Construction Services/Public Works for its review and approval prior to building permits being issued for the east parking lot.
7. This approval does not waive the applicant's obligation to comply with all other requirements of the Spokane Municipal Code as well as requirements of City Departments and outside agencies with jurisdiction over land development.
8. Spokane Municipal Code 11.02.0454C states:

C. Time Limitation

A variance automatically expires and becomes void if the applicant fails to submit an application for a building permit within three years of the effective date of the variance unless the applicant has received an extension for the variance as provided in Section 11.02.080.

9. Prior to the issuance of any building or occupancy permits, the applicant shall submit evidence to this file that the property owner has signed and caused the following statement to be recorded with the Spokane County Auditor's Office:

COVENANT

Development of this property is subject to certain conditions on file with the City of Spokane Planning Department and the Office of the City of Spokane Hearing Examiner. the property may not be developed except in accordance with these conditions. A copy of these conditions is attached to this Covenant.

This statement shall be identified as a Covenant. The owner's signature shall be notarized.

10. This approval is subject to the above-stated conditions. By accepting this approval the applicant acknowledges that these conditions are reasonable and agrees to comply

with them. The filing of the above required covenant constitutes the applicant's written agreement to comply with all conditions of approval. The property may not be developed except in accordance with these conditions and failure to comply with them may result in the revocation of this approval.

DATED this 13th day of October, 1998.

Greg Smith
City of Spokane Hearing Examiner

SH

3E DESIGN GROUP P.S.

ARCHITECTURE • PLANNING • INTERIOR DESIGN

October 7, 1998



Larry S. Chalmers
Gary T. Connor, AIA
Robert J. Kasberger

Greg Smith
Hearing Examiner
City of Spokane
West 808 Spokane Falls Blvd.
Spokane, WA 99201

RE: Shoreline Substantial Development Permit & Variance
Schade Towers
528 E. Trent
Spokane, WA
File No. Z9800061-SL/VA

Dear Mr. Smith:

The following is our response to the information you requested at the public hearing for the above referenced project on October 6, 1998.

It was our understanding that the variance guidelines for the Department of Ecology, are different than those of the City Planning Department. Your office was kind enough to forward a copy of those guidelines to our office, and the following are our responses to that set of criteria for this project:

1. *That the strict application of the bulk, dimensional, or performance standard set forth in the applicable master plan precludes, or significantly interferes with, reasonable use of the property.* As stated in our original Shorelines Substantial Use Permit Application the purpose of this parking area is to service the historic Schade Brewery, located directly west of the parking lot. The building itself is not within the 200' shoreline boundary, it is just outside the 200' foot boundary. The site for the project is very constricted, irregular in shape and very lineal. Restricting parking to the 100' setback would result in a reduction of approximately 40% (24 parking spaces)++ from the overall lot configuration. This equates to a reduction in retail floor area of approximately 6,000 SF., within the existing building. The building is already lacking in parking, due to its tight site and restricted location.

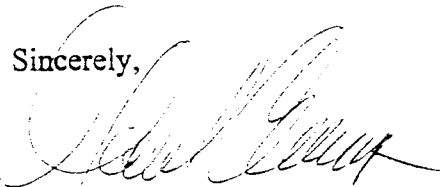
2. *That the hardship described in the previous section of this subsection is specifically related to the property and is a result of unique conditions, such as irregular lot size, size, or natural features and that the application of the master plan and not for example for the deed restrictions or applicants own actions.* As previously described, the condition is in direct relationship between the location and configuration of the lot size and its proximity to the river. Again, we are dealing with a historic structure in a peripheral part of downtown, where parking quantities have a significant impact on the

overall project success.

3. *That the design of the project is compatible with other authorized uses within the area and with uses planned for the area under the Comprehensive Plan and Shorelines Masterplan and not cause adverse impacts to the shoreline environment.* This proposed development will provide and enhance public access to the river and should, if completed according to preliminary designs, upgrade the physical appearance of this property and adjacent properties. The project provides an extension of the river walkway, which has been developed up to the site's northern most boundary. The use of this area as a parking area is within the guidelines of the Shorelines Masterplan and it specifically enhances the benefits to the general public to gain access to this part of the shoreline.
4. *That the variance will not constitute a grant of special privileges not enjoyed by other properties in the area.* Other projects in the general area have parking associated with their uses. One instance in the very near proximity has been issued a variance for parking within the 100' setback.
5. *That the variance requested is the minimum necessary to afford relief.* The project as presented still maintains a minimum, at its narrowest point, 43' setback from the river and maintains a 12' river walkway, continuing its development from properties to the west.
6. *That the public interest will suffer no substantial detrimental effect.* As previously stated the general public's access to the river, and to the shoreline area, will be greatly enhanced by this development and will only be benefitted by more parking in this portion of the City.

I trust that this information is helpful in your evaluation. It is my understanding that I am forwarding this to you with a copy to Steve Haynes for your transmittal to the Department of Ecology after your final ruling. Please let me know if any additional copies are required to be forwarded to any interested parties.

Sincerely,



Gary T. Connor, AIA

CC: Mark Leonard
Steve Haynes

**STAFF REPORT ON SHORELINE SUBSTANTIAL DEVELOPMENT
CONDITIONAL USE PERMIT WITH VARIANCE APPLICATION
FILE NO. 9800061-SL/VA**

I. SUMMARY OF REQUEST AND RECOMMENDATION:

The applicant proposes to develop and operate a paved parking lot within 100 feet of the Ordinary High Water Mark of the Spokane river to support the proposed improvements to the existing warehouse/industrial use building which is being converted to restaurant and retail uses that are more water oriented. The proposed parking lot will include a public access route through the shoreline area which eventually will extend from the Centennial Trail, across vacated Trent Avenue and extending through the present Brown's building supply area in the event that the State uses area for a new roadway instead of constructing a new bridge to replace the existing Trent crossing.

Recommendation: Staff recommends that the request be approved with conditions.

II. GENERAL INFORMATION:

A. Applicant: Mark Leonard, represented by Gary T. Conner
3E Design Group
501 N Riverpoint Building, #425
Spokane, WA 99201

B. Location of Proposal: Adjacent to the existing Schade Brewery building between the building and the riverbank. Immediately southeast of the existing office building constructed by Brian Whitfield.

C. Existing Zoning: The current zoning of the property is M1-L.

D. Land Use Plan Designation: The East Central Neighborhood Design Plan designates this area as Light Industrial. The shoreline Master Program (SMP) and the Riverfront Development Program designate the area as Park Drive and Greenbelt.

E. SEPA Status: A SEPA Determination of Nonsignificance was issued on September 25, 1998.

F. Enabling Zoning: SMC 11.15.191, 11.15.400, 11.02.0360.B, 11.02.0452 & 11.02.0454.

G. Hearing Date: October 6, 1998.

H. Responsible Staff: Steve Haynes 625-6088

III. FINDINGS OF FACT:

A. Site Description: The site is flat as a result of grading and was historically used for a variety of purposes, most notably as a scrapping yard for many years prior to it's conversion to retail sales of carpet prior to the proposed conversion to retail shops that is an ongoing current project.

B. Project Description: The applicant is requesting approval of a shoreline permit variance to improve the parking area with paving, landscaping and public access to meet the parking requirements for retail uses in the development.

C. Surrounding Zoning: M1

D. Zoning/Shoreline History: This building has been used for a wide variety of land uses, all of which were allowable in the industrial zone. The area within Shoreline jurisdiction has never received a shoreline permit as the uses were in existence prior to adoption of the SMP and no construction or other activity requiring a permit has taken place.

E. Adjacent Land Use: The area is primarily retail sales in nature, the adjacent building is in use as office space, the buildings to the south are used for warehouse and/or truck terminal.

F. Adjacent Street System: Trent is a Principal Arterial.

IV. DEPARTMENT REPORTS:

Notice of this special permit request was sent to all city departments. Copies of reports from those who responded to the notice are on file and made part of this report by reference where appropriate.

V. CONCLUSIONS

To be approved, the special permit requested must meet each of the Special Permit decision criteria. The following is an analysis of the proposal in light of those decision criteria:

1. **The use is listed as requiring a zoning special permit or a shoreline conditional use permit in those respective regulations;**

Relevant Facts, Parking: This application is made pursuant to SMC Section 11.15.191.B, or SMP 13.12.022 which allows commercial development with a Shoreline Conditional Use Permit. The Shoreline Master Program's original regulations included standards for parking that apparently were not codified into Chapter 11, the Section number that controls the setback for parking is not cited

here but can be found in the Master Program Supplement Regulations at paragraph 13.19.021. The regulation states that parking associated with an allowed use should not be allowed within 100 feet of the Ordinary High Water Mark (OHWM).

This application includes a Variance which is evaluated as follows:

11.02.0454 Decision Criteria -- Zoning and Shoreline Variance.

A. Criteria.

Variance of a zoning or shoreline regulation standard may be approved only if all of the following criteria are met.

1. A variance or modification of the standard or requirement is not prohibited by the land use codes.

Relevant Facts: There is no specific prohibition against varying the parking location standards in the Shoreline Master Program.

Staff finds that criterion 1 is met.

2. No other procedure is provided in this chapter to vary or modify the standard or requirement, or compliance with such other procedure would be unduly burdensome.

Relevant Facts: There is no other method to evaluate this request including plans-in-lieu, which are not considered in the Shoreline Master Program.

Staff finds that criterion 2 is met.

3. Strict application of the standard or requirement would create an unnecessary hardship due to one or more of the reasons listed below. Mere economic hardship or self-created hardship are not considered hardships for the purposes of this section.

a. The property cannot be developed to the extent similarly zoned property in the area can be developed because the physical characteristics of the land, the improvements, or uses located on the land do not allow such development.

Relevant Facts: The application of the 100 foot setback on this parcel would decrease the useable area 43%, eliminating 24 parking stalls, which effectively would decrease the usable retail floor area by 6,000 square feet. If this site were to be developed to today's standards, the building could be placed within 50 feet of the ordinary high water mark (OHWM), which would effectively block some views to the river but it could be done under the regulations. Because the building has predated the SMC there are very limited locations for parking. This situation does create a hardship in limiting the usable floor area of the building and

does not completely solve the parking problem but it does allow them to be much closer to conformity than they will be without this parking area.

b. Compliance with the requirement or standard would eliminate or substantially impair a natural, historic, or cultural feature of area-wide significance.

Relevant Facts: Compliance with the parking setback would impair the ability for this historic building to operate as proposed. This building is in very poor condition structurally and is being renovated to current Uniform Building Code standards, providing a safe place for the general public. Without this renovation, the building would continue to decline structurally and could eventually be declared unsafe to inhabit, which in turn would cause the Building Official to order it's demolition. This building is on the historic registers and is a focal point within this area that is paralleled by no other.

Staff finds that criterion 3b is met

4. Notwithstanding the proposed modification of the standard or requirement all of the following objectives shall be reasonably satisfied.

a. Surrounding properties will not suffer significant adverse effects.

Relevant Facts: There will be no adverse effect on adjoining properties.

Staff finds that criterion 4a is met.

b. The appearance of the property or use will not be adversely affected.

Relevant Facts: The appearance of the property will be better after the fact considering that the existing area was used for a variety of environmentally unsavory uses in the past and the riparian area along the shoreline will be rehabilitated with new native plants. The shoreline bank throughout this area has been the recipient of great abuse from past activities prior to the City's movement toward restoring the river banks to a more natural state when possible. Due to the steepness of this bank and the vertical distance from the waters edge to the site elevation, it is difficult to say what sort of restoration activity is appropriate at this site. It is staff's intent to have foreign material removed from the banks and river whenever possible. In this vicinity there is a very large pile of broken concrete at the river's edge but it is not clear at this time whether the pile is on the applicant's property or not. If it is, this material is to be removed as a condition of this permit. Care is to be taken to

ensure that whatever portions of the area exhibiting a natural character are not unduly disrupted.

Staff finds that criterion 4b is met.

c. The ability to develop the property in compliance with other standards will not be adversely affected.

Relevant Facts: The parking variance will not affect the ability of the lot to be developed within applicable guidelines.

Staff finds that criterion 4c is met.

5. For shoreline variances, the following criterion applies: the cumulative impact of several additional variances on the shoreline in the area will not preclude achieving the goals of the shoreline master program.

Relevant Facts: A parking area has less of an impact on the shoreline area from the standpoint of physical mass than a building would pose. It is staff's opinion that the use of this area for parking poses less of an environmental impact and therefor comes closer to meeting the goals of the shoreline program. Because this particular variance involves an historic structure it is reasonable to conclude that this situation will not present itself very often (if at all) within the shoreline area.

Staff finds that criterion 5 is met.

B. Limitations on Authority.

No variance may be granted to allow or establish a use that is not allowed in the underlying district as a permitted use; or to modify or vary a standard or requirement of an overlay zone unless specific provisions allow a variance.

Relevant Facts: The use is not prohibited by either the underlying M1 zone or the shoreline overlay zone. Although the existing building does not take direct advantage of views of the river, it is a mixed use building containing shops and restaurants which would be considered to be water oriented. There is the potential that some location in the upper floors could be used as a restaurant that could take advantage of views and the applicant is urged to pursue this possibility.

Staff finds that the circumstances existing in this case warrant the recommendation for a variance and that there will not be a detrimental effect on the public interest in allowing a variance for the parking area.

2. Except for PUDs the proposed use complies with all applicable use and development standards;

Relevant Facts: With the exception of the setback variance, the site will be developed beyond the standards for parking within the M1 zone. The shoreline area should be rehabilitated with native plants in order to meet the intent of the SMP.

Staff finds that criterion 2 is met.

3. The proposed use complies with the goals, policies and map designation of the comprehensive plan that apply to it and to the area in which it is proposed to be located;

Relevant Facts: The parking area in itself would not be a water oriented use and would not comply with the Master Program, however it is primarily to serve a water oriented business and is therefore properly located. There are no other conflicts with either the zoning code, the land use plan, or the Shoreline Master Program. The application has complied with all of the notification and meeting requirements of SMC Chapter 11.02. Public access to the shoreline will be provided as required by the SMP.

Staff finds that criterion 3 is met.

4. The proposed use is timely considering the capacity of the transportation system, public facilities and services existing in the area, including such improvements that are funded in the City's capital improvement programs;

Relevant Facts: All services and utilities are available and adequate to accommodate the proposal. The applicant has circulated an LID to pave Superior Street, which at the time of this writing, the LID should be successful and the street will be fully improved.

Staff finds that criterion 4 is met.

5. Conditions can be placed on the proposed use to avoid significant adverse affects or interference with the use of neighboring property or the surrounding area, considering the design and intensity of the proposed use with uses existing in the area;

Relevant Facts: Conditions will be placed on the permit to mitigate impacts and to provide for the general publics ability to reach and enjoy the waterfront area.

Staff finds that criterion 5 is met.

VI. RECOMMENDATION

Based on the above findings and conclusions, the staff finds that the proposal meets the special permit decision criteria and recommends that the request be approved subject to the following conditions:

1. Public access to the shoreline area is required on the perimeter of the parking area as indicated on the approved plans. This trail must meet ADA standards and connect to the trail to the northwest. The long range intent of this trail is to connect to the Browns Building supply area where the Trent realignment is very likely to go. While the grade differences through this site and down to the lower elevation of Brown's are substantial, it appears that the ADA standards can be met provided that this trail segment is made as low as feasible. The feasibility of this elevation is very contingent on the subsurface conditions that exist in the general area, those conditions being the existence of basalt bedrock. The trail is to be the same width as the trail behind the Whitfield property. Staff does not believe that the trail can be located as shown on the plan due to the existing terrain and extreme drop off at the top of the slope. It may be necessary to move the trail further to the southwest, the topography shown on the plan drops about 30 feet from one side of the trail to the other. The trail will require further review and approval from the Planning Department. The applicant is cautioned that it may be necessary to install a rail or fence at the perimeter of the trail, the drop is quite extreme.
2. Only native species are to be planted in the shoreline area between the river and any hard surfaced area.
3. No existing native species are to be removed for any reason without the written approval of the City Planning Services Department or the Department of Ecology.
4. If the large pile of broken concrete near the waters edge, is on the applicants property, it shall be removed and the area rehabilitated with native species plant materials.
5. A landscape plan for restoration or enhancement of the riverbank shall be submitted for approval as a part of the site plan for the parking lot improvements. The landscape plan to be developed for shoreline rehabilitation shall be done by a licensed landscape architect. Plant care shall be provided until such time that the plantings are certifiably established, this care does not include the pruning or shaping of plants or trees for cosmetic purposes. Any woody vegetation removal is required to be approved in writing by the Shoreline Administrator.
6. The applicant must obtain a use and easement agreement from the City of Spokane to have dedicated parking on Front Avenue. All parking must meet City standards.
7. A dumpster location is not shown on this plan, the Refuse

trucks need at least 50 feet of back up space, not to include any parking area.

8. Any impacts to the existing utility systems resulting from the proposed improvements must be evaluated and addressed as part of the building permit process.

9. All onsite stormwater runoff must be disposed of on site in accordance with the "208" program recommendations or approved design. A preliminary grading and drainage plan with one foot contours, supporting geotechnical information and calculations must be submitted for review and approval by construction Services - Plan Review. Drywell capacities and percolation rates must be verified in locations where they are to be constructed. This plan must include the top and bottom of the swale with proposed elevations. All details for the swale or pond must be a sectional view of any of the proposed design and not a typical detail. The swale slope can not exceed 2:1. All calculations and surface square footage must also be on the plan. All plan review fees for utility and 208 applications will be determined at the time of review.

10. All SCAPCA requirements must be met. There are numerous businesses that are allowed in commercial and industrial zones that are air pollution sources. Before any business is established at the site, SCAPCA should be contacted to determine if a "Notice of Construction" is required. The proponent should provide a copy of SCAPCA's predevelopment conference comments to prospective tenants to ensure that the proper permits are obtained for their type of business.

11. The applicant must provide the Office of the Hearing Examiner a complete legal description for this property prior to the permit being sent to the Department of Ecology for final approval.

12. If a boundary line adjustment has not been completed for this project, it must be done prior to approval of final plans for the project.



Certification Of Complete Application

Date of Application 7-7-98 File Number Z 9800070-SL/VA

Fee: \$2,084.00 Paid: Yes / No Hearing Date Oct 6, 1998

Type of Application: Special Permit Variance
 Zone Change Subdivision
 Other: Shoreline CUP

Application To: Hearing Examiner Planning Director
 Plan Commission Other _____

Zoning: M1-L Land Use Plan Designation: Light Industrial
Neighborhood / Sub Area Plan East Central
SEPA Status: DNS
Zoning History: None

PreApplication Conference: Yes / No Date: Sept 11, 97
Complies with Land Use Plan?: Yes / No Date: 9-25-98
Responsible Staff: Steve Haynes Phone: 625-6088
Person Certifying Application is complete: Steve Haynes
Date of Certification: 9-25-98 Notes: _____



Certification Of Complete Application

Date of Application _____ File Number _____

Fee: _____ Paid: Yes / No Hearing Date _____

Type of Application: _____ Special Permit _____ Variance
_____ Zone Change _____ Subdivision
_____ Other: _____

Application To: _____ Hearing Examiner _____ Planning Director
_____ Plan Commission _____ Other _____

Zoning: _____ Land Use Plan Designation: _____

Neighborhood / Sub Area Plan _____

SEPA Status: _____

Zoning History: _____

PreApplication Conference: Yes / No Date: _____

Complies with Land Use Plan?: Yes / No Date: _____

Responsible Staff: _____ Phone: _____

Person Certifying Application is complete: _____

Date of Certification: _____ Notes: _____

SPOKANE ENVIRONMENTAL ORDINANCE

DETERMINATION OF NON-SIGNIFICANCE

FILE NUMBER: Z9800070-SL/VA

PROPONENT: Mark Leonard

DESCRIPTION OF PROPOSAL: Parking lot for Schade Towers

LOCATION OF PROPOSAL: 528 E Trent

The Lead Agency for this proposal is the City of Spokane, and the Responsible Official is Charles L. Dotson, Director of Planning Services (Room 250 - City Hall, Spokane, Wa 99201-3333, 625-6060).

The Lead Agency for this proposal has determined that it does not have a probable significant effect on the environment. An Environmental Impact Statement (EIS) is not required under RCW 43.210.030(2)(c). This decision was made after review of a completed environmental checklist and other information on file with the lead agency. This information is available to the public upon request.

There is no comment period for this DNS.

Date Issued: 9-25-98 Signature: Stam Hays

Appeal of this determination may be made to the Spokane City Council by filing an appeal form in the Planning Department office, Room 250 - City Hall, Spokane, Wa. 99201-3333. The appeal deadline is the same as the appeal deadline for the proposed action, being ten days after issuance of the Hearing Examiner's decision. This appeal must be made in writing on prescribed forms and contain factual objections. Contact the Responsible Official for assistance with filing an appeal.



Larry S. Chalmers
Gary T. Connor, AIA
Robert J. Kasberger

MEMORANDUM

DATE: September 22, 1998

TO: Steve Haynes
Planning Services Dept.
City of Spokane
808 W. Spokane Falls Blvd.
Spokane, WA 99201-3333

FROM: Gary T. Connor, AIA 
3E Design Group, P.S.
501 N. Riverpoint Blvd., Ste. 425
Spokane, WA 99202

RE: Shorelines Substantial Development Permit and Variance
Schade Towers
528 East Trent
Spokane, WA
File #Z9800061-SL/VA

Attached, please find the Affidavit of Posting and Affidavit of Mailing for the Public Hearing on the above referenced project.

Please review this information and if additional items are required please let me know.

cc: Mark Leonard

AFFIDAVIT OF POSTING

STATE OF WASHINGTON)
)
COUNTY OF SPOKANE) ss:

Gary T. Connor, being first duly sworn, deposes and says:

At all times mentioned herein, I was, and now am, a citizen of the United States of America and over the age of eighteen years.

On the 21st day of September, 1998, I personally posted a sign(s) as required in the City of Spokane Municipal Code at the following locations:

528 E. Trent

I also posted a notice identical in form and content to individual written notice at "official public notice posting locations", including:

- 1. City fire stations within or nearest to the area subject to the pending action located at Station #1, 44 W. Riverside, Spokane, WA 99201
2. the main City public library and the branch library within or nearest to the area subject to the pending action located at Main Branch, 906 W. Main, Spokane, WA
3. the space in City Hall officially designated for posting notices;
4. any other public building or space which the city council formally designates as an official public notice posting location, including electronic locations.

Signature of Applicant or Agent

September 22, 1998
Date

Signed and sworn to before me this 22nd day of September, 1998.

Notary Public in and for the State of Washington

Residing at: Spokane

My appointment expires: 11/18/98

(APPLICANT: FILL OUT AND SIGN BEFORE A NOTARY PUBLIC AND RETURN TO THE CITY OF SPOKANE PLANNING SERVICES DEPARTMENT, ZONING DIVISION)

FILE # Z9800061-SL/VA

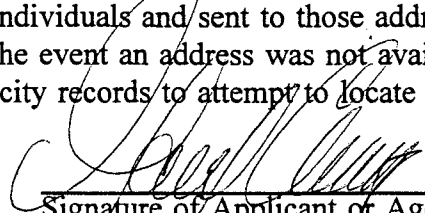
AFFIDAVIT OF MAILING

STATE OF WASHINGTON)
) ss:
COUNTY OF SPOKANE)

Gary T. Connor, being first duly sworn, deposes and says:

At all times mentioned herein, I was, and now am, a citizen of the United States of America and over the age of eighteen years.

On the 18th day of September, 1998, I personally deposited in the United States mail at 501 N. Riverpoint Blvd, Spokane, WA with sufficient postage prepaid, a true and correct copy of the ~~COMMUNITY MEETING NOTICE~~ ^{Public Hearing} NOTICE, a copy of which is attached hereto and incorporated herein by reference, to the recorded real property owners and/or taxpayers, as shown on the Spokane County Treasurer's records as of the 10th day of July, 1998, who have been found to own property within 300 feet of the applicant's (and/or his/her agents) owned, controlled or under-option property. The notices were addressed to those individuals and sent to those addresses indicated on the attached list, incorporated herein by reference. In the event an address was not available in the official records, I used the current local telephone directory or city records to attempt to locate a valid address.



Signature of Applicant or Agent
September 22, 1998

Date

Signed and sworn to before me this 22nd day of September, 1998

Michelle Lynn Owens

NOTARY PUBLIC IN AND FOR THE STATE OF WASHINGTON

Residing at: Spokane

My appointment expires: 11/18/98

(APPLICANT: FILL OUT AND SIGN BEFORE A NOTARY PUBLIC AND RETURN TO THE CITY OF SPOKANE PLANNING SERVICES DEPARTMENT, ZONING DIVISION)

BRIAN WHITFIELD

8609 N.E. 14th STREET, BELLEVUE, WA 98004, (206) 453-9785

August 12, 1998

Planning Services Department
Attention: Steve Haynes
808 W. Spokane Falls Blvd.
Spokane WA 99201-3333

Dear Sirs;

Re: Shoreline Substantial Development with a Variance for 528 E. Trent Ave.

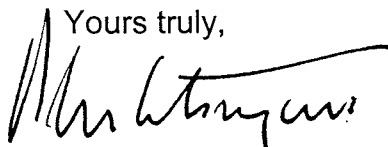
I write this letter in strong support of the above noted application and variance. As the owner of the land immediately to the West I will be most effected by the variance and yet I see overall only good things that Mark Leonard has and is doing to the historic Schade Building.

I acquired my land since 1986. At that time a scrap dealer owned the Schade building with no interest in developing the property. The subsequent sale to the carpet warehouse was a financial disaster for the buyer. Only now with the incredible enthusiasm, effort and resources of Mark Leonard do we see progress. The City of Spokane and the State of Washington should be eternally grateful to him for converting what was a horrible eyesore into a renovated historic building. For this reason they should approve his request to provide commercially adequate parking for this very large building. Only by developing all the available floor space will this be an economically viable project.

The normal Shoreline restriction is for parking to be one hundred feet from the river. It is my understanding that the logic behind this requirement is that the parked cars will not spoil views to or from the river. In this specific case the restriction is not justified because there is a thirty-foot cliff separating the land from the river. Therefore there are no views, to or from the river, from the requested variance of forty feet from the water edge.

Surely a building of this size with such a considerable need for parking and yet restricted by Front Street on the south, Trent Avenue to the west and the river to the north should have "grandfather rights" and not be subject to the restrictions of the Shoreline Act.

Yours truly,



Brian Whitfield

Riverpoint

HIGHER EDUCATION PARK

August 26, 1998

Steve Hayes
Planning Department
City of Spokane
808 W. Spokane Falls Blvd.
Spokane, WA 99201

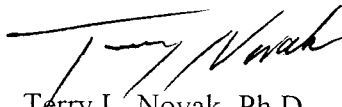
Dear Steve:

You recently held a community meeting on the Shoreline substantial development permit with variance for the Schade Towers Project. Jon Schad, of our staff, attended in my absence and indicated our positive regard for the project.

This letter is intended as a formal statement to be placed in the record. We feel the redevelopment of the Schade property is a major improvement in the campus neighborhood and providing the additional parking through the shoreline variance will have almost no negative impact on the neighborhood, and will be a substantial positive impact.

As you may know, we concentrate at Riverpoint on graduate students, juniors, and seniors. Many of these students are non-traditional in the sense that they have families and jobs in the local economy, in addition to being students. They are heavily auto dependant and, in fact, a survey we did two years ago showed that 88% of the students drove their single occupancy vehicle to the site. As we plan the campus we are convinced that parking will be our long-term nemesis; any steps that can be taken (such as approving this variance) will be a positive step for the neighborhood.

Sincerely,



Terry L. Novak, Ph.D.
Business Manager
Riverpoint Campus



Larry S. Chalmers
Gary T. Connor, AIA
Robert J. Kasberger

MEMORANDUM

DATE: August 20, 1998

TO: Steve Haynes
Planning Services Dept.
City of Spokane
808 W. Spokane Falls Blvd.
Spokane, WA 99201-3333

FROM: Gary T. Connor, AIA
3E Design Group, P.S.
501 N. Riverpoint Blvd., Ste. 425
Spokane, WA 99202

RE: Shorelines Substantial Development Permit and Variance
Schade Towers
528 East Trent
Spokane, WA
File #Z9800061-SLVA

Attached, please find a copy of the meeting minutes from the community meeting on the above referenced project. As posted, this meeting took place at 4:00 p.m. on August 19, 1998 at 501 N. Riverpoint Blvd., Ste. 400.

I have forwarded copies of the meeting minutes to all attendees, as well as all parties on the original mailing list for the hearing. Please accept these minutes as presented. Please proceed with the next step in establishing the public hearing date and time. Please notify my office as soon as possible of this date and time. Upon receipt we will change the required posting and renotify all required parties.

**Community Meeting
Shoreline Substantial Development Permit
with Variance**

528 E. Trent, Spokane, WA

August 19, 1998; 4:00 p.m. at 501 N. Riverpoint Blvd., Ste. 400

1. Those in attendance: Jon Schad
 Brian Whitfield
 Dan Whittaker
 Gary Connor

2. Gary Connor introduced himself as the agent for Mark Leonard, the owner of Schade Towers, 528 E. Trent, Spokane, WA. Gary requested and received introductions from all other parties present.

3. Gary Connor reviewed the purpose of the meeting to present and discuss the Substantial Development Permit Request and Variance Request for Schade Towers. Gary Connor gave a brief history of the ongoing development of the building and documented the 200 foot jurisdiction line from high water mark and the portion of the property under consideration.

4. Gary presented a site plan which reflected the parking lot development within the 200 foot jurisdictional setback requirement. He indicated that this was typically not looked on as a favorable development with shorelines jurisdiction. He indicated that this property was unique for two reasons. These reasons were:
 - a. The proposed property is approximately 30 feet higher than adjacent neighbors and approximately more than 30 feet above the high water mark of the building. This ensures that there is a minimal visual impact from the adjacent property owner and/or the river or opposite river bank. Development of a parking lot will not visually impair any existing view corridors from adjacent property.

 - b. The land is directly adjacent to an historic building. This parking lot development will enhance and benefit the redevelopment of that structure. While the land in question could be utilized for an additional building, the resultant development would not provide adequate parking for either the new development or the existing building.

5. Gary Connor presented the site plan which indicates parking within approximately 45 feet from the high water mark. This is in conflict with the shoreline guidelines which restricts parking area to a minimum of 100 foot setback from high water mark. This is the purpose for the variance request. Gary Connor indicated that by providing parking within

this 100 foot area an additional 27 spaces could be accommodated to aid in the overall parking count for the development of the historic Schade Towers.

6. Gary Connor also indicated that the river walkway which has been developed along the riverbank will be extended the full extent of the property in question. It will be a continuation of the river walk in front of Brian Whitfield's property, adjacent to the north.
7. Gary Connor presented photographs of the site, taken from adjacent properties which support his contention that there will be no visual impact of the development from adjacent properties.
8. Gary Connor discussed the other significant element of the shorelines program which encourages public access to all shoreline areas. He indicated that this development would enhance the overall public access issue to this property in the development of the parking area. He indicated that the parking lot, well landscaped, with public amenities and the extension of the river walk ensures that public access will be maintained to the riverbank conjunction with the proposed development of a historic structure.
9. Gary Connor requested any public comments or discussion regarding this proposal.
10. Brian Whitfield indicated that he was completely in support of the project, and has written a letter to the city, dated August 12, 1998 to support this contention. A copy of the letter is attached to the meeting minutes. Brian also indicated that further support at a public hearing or any other activity would be available to Mark Leonard upon his request.
11. Joe Schad indicated that he has been directed by Terry Novak of WSU, formally of the Joint Center Board, to express that agency's support of the project, as presented. Joe indicated that WSU is in full support of the development of the Schade Towers and the subject property into a viable development which will enhance the development of the WSU Spokane campus.
12. It was requested by Gary Connor that Joe indicate to Terry Novak that a letter of support be forwarded to the city, in anticipation of the public hearing, showing support for the project, as presented. Joe indicated that he would pass that information along to Terry Novak for his consideration.
13. Distribution: All Attendees
Mailing List

COMMUNITY MEETING
 Shoreline Substantial Development Permit
 with Variance for
 528 E. Trent Ave.

4:00 p.m.; August 19, 1998 at 501 N. Riverpoint Blvd., Suite 400

NAME	ADDRESS	PHONE NUMBER
Tom Schap	6645 N. Riverpoint Blvd. 98004	358-7991
BRUNN (WHITFIELD)	8609 NE 14 BELLEVUE 98004	425-739-9997
DAVE WHITTAKER	4501 RIVERPOINT BLVD	456-8218
CARY CORNELL	N. 501 RIVERPOINT BLVD	456-8218

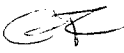


Larry S. Chalmers
Gary T. Connor, AIA
Robert J. Kasberger

MEMORANDUM

DATE: July 30, 1998

TO: Steve Haynes
Planning Services Dept.
City of Spokane
808 W. Spokane Falls Blvd.
Spokane, WA 99201-3333

FROM: Gary T. Connor, AIA 
3E Design Group, P.S.
501 N. Riverpoint Blvd., Ste. 425
Spokane, WA 99202

RE: Shorelines Substantial Development Permit and Variance
Schade Towers
528 East Trent
Spokane, WA
File #Z9800061-SL/VA

Attached, please find affidavits of posting and mailing for the above referenced project. As you will note, the community meeting is scheduled for August 19, 1998 at 4:00 p.m. in Room #400 (Building Conference Room), Riverpoint One, 501 N. Riverpoint Blvd.

If you require any additional information please contact me.

cc: Mark Leonard

FILE # Z9800061-SL/VA

AFFIDAVIT OF MAILING

STATE OF WASHINGTON)
) ss:
COUNTY OF SPOKANE)

Gary T. Connor, being first duly sworn, deposes and says:

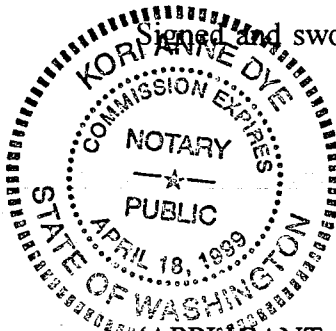
At all times mentioned herein, I was, and now am, a citizen of the United States of America and over the age of eighteen years.

On the 29 day of July, 1998, I personally deposited in the United States mail at 501 N. Riverpoint Blvd, Spokane, WA with sufficient postage prepaid, a true and correct copy of the COMMUNITY MEETING NOTICE, a copy of which is attached hereto and incorporated herein by reference, to the recorded real property owners and/or taxpayers, as shown on the Spokane County Treasurer's records as of the 10 day of July, 1998, who have been found to own property within 300 feet of the applicant's (and/or his/her agents) owned, controlled or under-option property. The notices were addressed to those individuals and sent to those addresses indicated on the attached list, incorporated herein by reference. In the event an address was not available in the official records, I used the current local telephone directory or city records to attempt to locate a valid address.

[Signature]
Signature of Applicant or Agent

July 30, 1998
Date

Signed and sworn to before me this 30th day of July, 1998.



Kori Dye
NOTARY PUBLIC IN AND FOR THE STATE OF WASHINGTON

Residing at: Spokane, WA

My appointment expires: 4-18-99

(APPLICANT: FILL OUT AND SIGN BEFORE A NOTARY PUBLIC AND RETURN TO THE CITY OF SPOKANE PLANNING SERVICES DEPARTMENT, ZONING DIVISION)

AFFIDAVIT OF POSTING

STATE OF WASHINGTON)

) ss:

COUNTY OF SPOKANE)

Gary T. Connor, being first duly sworn, deposes and says:

At all times mentioned herein, I was, and now am, a citizen of the United States of America and over the age of eighteen years.

On the 29 day of July, 1998 I personally posted a sign(s) as required in the City of Spokane Municipal Code at the following locations:

528 E. Trent

I also posted a notice identical in form and content to individual written notice at "official public notice posting locations", including:

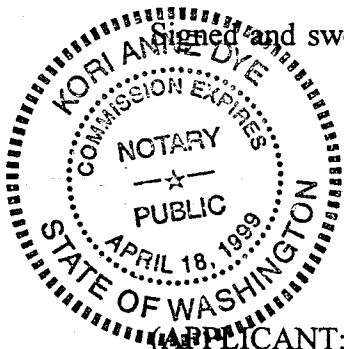
- 1. City fire stations within or nearest to the area subject to the pending action located at Station #1, 44 W. Riverside, Spokane, WA 99201
2. the main City public library and the branch library within or nearest to the area subject to the pending action located at Main Branch, 906 W. Main, Spokane, W
3. the space in City Hall officially designated for posting notices;
4. any other public building or space which the city council formally designates as an official public notice posting location, including electronic locations.

Signature of Applicant or Agent

July 30, 1998

Date

Signed and sworn to before me this 30th day of July, 1998



NOTARY PUBLIC IN AND FOR THE STATE OF WASHINGTON

Residing at: Spokane, WA

My appointment expires: 4-18-99

APPLICANT: FILL OUT AND SIGN BEFORE A NOTARY PUBLIC AND RETURN TO THE CITY OF SPOKANE PLANNING SERVICES DEPARTMENT, ZONING DIVISION



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

4601 N. Monroe, Suite 202 • Spokane, Washington 99205-1295 • (509) 456-2926

July 17, 1998

Mr. Steve Haynes
Planning Services, Zoning Administration
808 W. Spokane Falls Blvd
Spokane, WA 99201

Dear Mr. Haynes:

Thank you for the opportunity to comment on the shoreline substantial development permit for a parking lot east of Schade Towers/Brewery. We reviewed the environmental checklist and have the following comments.

The applicant will have to demonstrate compliance with the criteria contained in WAC 173-27-170(2)(a-f) for the granting of a variance. I would suggest that this material be submitted to the city and Department of Ecology before further planning and/or permitting takes place.

If you have any questions, please contact Mike Maher at (509) 625-5188.

Sincerely,

Heidi J. Renz
SEPA Coordinator

/hjr
Schade Towers/Brewery parking.doc

Date: July 14, 1998

Project Number: 98007

MEMORANDUM CONSTRUCTION SERVICES DEPARTMENT - PLAN REVIEW

To: Steve Haynes, Zoning

From: Angelo Bomben P.E., Principal Engineer
Plan Review *ALB.*

Re: File No. Z9800061-SL/VA

Request of 3-E Design on behalf of Mark Leonard for approval of a Shoreline Substantial Development Permit with a Variance for construction of a new parking lot within 40 feet of the shoreline. The location of this proposed project is the Schade Towers at 528 E. Trent Ave.

A review of the subject proposal has been completed and the following comments are offered:

1. Sanitary sewer and water are available to this proposed project as shown on the accepted submitted utility site plan on the boundary line adjustment application. Any impacts to the existing utility systems resulting from the proposed improvement must be evaluated and addressed as part of the building permit process.
2. Based upon the conclusions of the Traffic Study, any impacts and/or mitigation through the SEPA review for improvements required for this proposed project will need to be submitted to Construction Services - Plan Review for review and acceptance. Show all existing street improvements adjacent to this site. All broken, heaved, or sunken sidewalk is to be replaced to City Standards. Any unused driveways are to be removed, and the area replaced with City standard curb and sidewalk.
3. "All onsite stormwater runoff must be disposed of on the site in accordance with recommendations of the "208" program or approved design." Any pre-development off-site runoff, either leaving or passing through this proposed project, must not be increased or concentrated due to development of this project, based on a 50-year design storm. A preliminary grading and drainage plan, including contours and supporting geotechnical information and calculations, must be submitted for review and approval by Construction Services - Plan Review prior to your SEPA determination. Drywell capacities and percolation rates must be verified in locations where they are to be constructed. This plan must indicate the top and bottom of the swale with proposed elevations. All details for the swale or pond must be a sectional view of any of the proposed designed and not a typical detail. The swale slope cannot exceed 2:1. All calculations and surface square footage must also be on this plan.
4. All plan review fees for 'utility' and '208' applications to be determined at the time of review.

ALB/phk

cc: Construction Services Department file
John Bjork, City Engineer

MEMORANDUM

DATE: July 23, 1998

TO: Steve Haynes, City Planner

FROM: *Bruce*
Bruce Steele, Transportation

SUBJECT: Schade Towers Shoreline Permit Variance – Z9800061-SL/VA

We have reviewed this proposal and have the following comments:

1. The applicant must obtain a use and easement agreement from the City of Spokane to have parking on Front Avenue.
2. All parking must meet City Standards.

Ebs/fel/jtt

**REQUEST FOR COMMENTS
FILE NO. Z9800061-SL/VA**

DATE: 07/07/98

TO:

Washington State Department of Ecology, Shorelines Division, Attn. Mike Maher
Washington State Department of Transportation

Construction Svcs, Att: S. Decker
Fire Dept., Att: G. Satre
Solid Waste, Att: G. Caballero
Real Estate, Att: D. Perry
School Dist. #81, Att: J. Mannix
Spokane Transit, Att: C. Fueston

Water Dept., Att: B. Blegan
Traffic Eng., Att: B. Steele
Bldg. Serv., Att: S. Belzak
Police Dept., Att: J. Nicks
SCAPCA, Att: C. Studer
County Health, Att: D. Way

RETURN TO: Planning Services, Zoning Administration,
Third Floor, City Hall, W 808 Spokane Falls Blvd.,
Spokane, WA 99201 or call 625-6088

Staff Contact: Steve Haynes

RESPONSE NEEDED BY: 7-31-98 Hearing to be held

APPLICANT: 3-E Design, Gary Conner on behalf of Mark Leonard, Owner

APPLICATION TYPE: Shoreline Substantial Development Permit with Variance

ADDRESS OR LOCATION: 528 E Trent Ave

DESCRIPTION OF PROPOSAL: To obtain approval of a Shoreline Substantial Development Permit with a Variance to construct a parking lot east of the existing Schade Towers/Brewery to support the retail business uses that are proposed to be located within the building which is being remodeled. Normally, parking is allowable within the shoreline jurisdictional boundary of 200 feet from the shoreline, so long as it is 100 feet away from the shoreline. In this application, a variance is requested to locate the parking within 40 feet of the shoreline.

PREDEVELOPMENT MEETING: Sept 11, 1998

PROJECTED SEPA ACTION: MDNS

OTHER INFORMATION/STUDIES ON FILE BUT NOT INCLUDED IN THIS PACKET: None

YOUR COMMENTS REGARDING THE PROPOSED SITE PLAN AND/OR USE:

(Use the reverse side or attach comments if necessary)

1. DUMPSTER LOCATION NOT SHOWN ON PLANS.
2. REQUIREMENT OF SOFT BACK-UP ALLOWANCE, NOT TO BE CONSTRUCTED SO THAT WE HAVE TO USE A PARKING STALL.

CDREG CABALLERO
Authorized Signature

SOLID WASTE - 7-9-98
Department or Agency Date

ONLY RETURN THIS FORM IF YOU HAVE COMMENTS REGARDING THIS PROPOSAL. IF NO COMMENT IS RECEIVED BY THE SPECIFIED DATE, IT IS ASSUMED THAT YOU HAVE NO INTEREST IN THIS PROPOSAL



WEST 1101 COLLEGE, SUITE 403 • SPOKANE, WA 99201 • (509) 456-4727 Fax (509) 459-6828

Date: July 13, 1998

**To: Mr. Steve Haynes
City of Spokane Planning Services
808 W Spokane Falls Blvd.
Spokane, WA 99201-3343**

From: Mr. Charles E. Studer

Re: SCAPCA REQUIREMENTS FOR:

File No. 29800061-SL/VA

Proponent: Mark Leonard for Schade Towers

Date Received: 7/10/98

(Comments on Determination of Nonsignificance Issued on 5/1/98)

The Spokane County Air Pollution Control Authority (SCAPCA) was formed under the authority of the 1967 Clean Air Act of Washington (RCW). That Act required counties, like Spokane County, to activate local air pollution control agencies. To meet the requirements of that Act, SCAPCA adopted regulations to control the emissions of air contaminants from sources within Spokane County.

Portions of Spokane County fail to meet federal health standards for particulate emissions (dust and smoke) and carbon monoxide. Numerous strategies have been implemented to reduce air pollution emissions so that we can improve air quality and meet health standards.

Following is a list of concerns/issues that, at a minimum, need to be addressed for proposed projects. Additional comments may result after more detailed information of the project is supplied. SCAPCA encourages proponents to contact their offices at 1101 West College, Spokane, WA 99201 for additional information.

SCAPCA has reviewed the Determination of Nonsignificance and environmental checklist for this project and feels that the environmental checklist is lacking in the following sections:

A.10 A Notice of Construction (air pollution permit) from SCAPCA is required for any air pollution sources that may be established at the site. During the pre-application, the proponent stated that the heating unit in the building might be replaced. If so, depending upon the heat input of the unit, a Notice of Construction may be required. Before any business is established at the site, SCAPCA should be contacted to determine if a Notice of Construction is required.

WASHINGTON STATE REGULATION 173-400-110 REQUIRES THAT A NOTICE OF CONSTRUCTION AND APPLICATION FOR APPROVAL BE SUBMITTED TO AND APPROVED BY

M:\SHARED\COMMENTS\SEPA\29800061-SL-VA.DOC

MARK LEONARD FOR SCHADE TOWERS

July 13, 1998

Page 1

OUR AGENCY PRIOR TO THE CONSTRUCTION, INSTALLATION OR ESTABLISHMENT OF AN AIR POLLUTION SOURCE.

SCAPCA Regulation I, Article IV requires registration with this agency for all air pollution source that have been or are proposed to be established at the site. An approved Notice of Construction suffices to meet this requirement.

SCAPCA Regulation I, Article VI, and SCAPCA Regulation II, Article IV, address air pollution emission standards. All emission standards must be met.

An asbestos survey must be done by an AHERA certified inspector prior to demolition or renovation of building(s), to determine if asbestos-containing material is present at the site. Demolition and renovation projects must comply with the requirements of CFR 40, Part 61, Subpart M, SCAPCA Regulation I, Article IX & Article X Section 10.09, and Washington State Regulations (WAC 296-62, -65, & -155). Notice of Intent to Perform Asbestos Removal and/or Demolition forms are available at the SCAPCA office. Asbestos-containing material must be removed in accordance with Federal, State, Local regulations and disposed of at a licensed facility.

A.11 The types of anticipated businesses should be included in this section. All possible air pollution sources must be included here or this environmental checklist will not be adequate for establishment of air pollution sources in the proposed facilities. Failure to include probable air pollution sources will require a new environmental checklist for each air pollution source before it can be installed.

Upon reviewing the proposed project, SCAPCA has determined that numerous air pollution sources could be established at the site. Based on historical information, it is logical to assume that any of a number of air pollution sources, including but not limited to the following, may be present at the proposed facilities or site.

- Sign Painting
- Dry Cleaner
- Electroplating
- Manufacturing of small boats
- Manufacturing of cabinetry & furniture
- Manufacturing of Drugs, cosmetics, or soaps
- Manufacturing of ornamental iron (painting)
- Manufacturing of small mechanical or electrical machines or parts (solvent tanks, painting)
- Bakery
- Brewing
- Candy
- Cannery
- Creamery & ice cream
- Manufacturing of Ink products
- Taxidermy
- Animal hospital (pet crematory)
- Automotive repair garage, including body work and painting, and solvent tanks
- Fuel yard
- Tire shop, including recapping
- Power tool repair shop (solvent tanks)
- Manufacturing of Babbit metal, Batteries, Millwork for doors, sash & similar items, Wire & wire products

MARK LEONARD FOR SCHADE TOWERS

July 13, 1998

Page 2

- Manufacturing, assembling, compounding, or treating of products made from the following materials:
 - Asbestos,
 - Bone,
 - Cement, clay, & concrete,
 - Fibers, Glass,
 - Paint,
 - Rubber,
 - Wood
- Butane of similar gas station
- Machine shop
- Grain elevator
- Sand & gravel storage
- Stone work
- Tire capping
- One or more fossil fuel (natural gas, propane, butane, diesel, fuel oil, or waste oil) or wood burning heat sources. Natural gas/propane/butane burning boilers, heating units, or hot water heaters, or combinations thereof, with a total heat input of 4,000,000 BTUs/hr are required to apply for a Notice of Construction. Other units are required to apply for a NOC when the total heat input exceeds 400,000 BTUs/hr. In addition, additional requirements such as controls for Nitrogen Oxide emissions (NOx) and source testing may be required depending upon the size of the unit.
- One or more Stand by Generators. SCAPCA requires a Notice of Construction for all Stand by Generators that are rated greater than or equal to 500 mechanical horsepower (375 Kilowatts).

B.2.a. Boilers or natural gas burning heating units are expected to be included in the building. Other toxic and nontoxic air pollutants could likely occur in future tenant's industrial processes and should be mentioned here.

B.2.c. Toxic and nontoxic air pollutants will be controlled to the level specified by Spokane County Air Pollution Control Authority.

Air pollution regulations require that dust emissions during demolition, construction and excavation projects be controlled. This may require the use of water sprays, tarps, sprinklers or suspension of activity during certain weather conditions. Haul roads should be treated and emissions from the transfer of earthen material must be controlled as well as emissions from all other construction related activities.

SCAPCA strongly recommends that all traveled surfaces (i.e. ingress, egress, parking areas, access roads) should be paved and kept clean to minimize emissions.

Measures must be taken to avoid the deposition of dirt and mud from unpaved surfaces onto paved surfaces. If tracking or spills occur on paved surfaces, measures must be taken immediately to clean these surfaces.

Debris generated as a result of this project must be disposed of by means other than burning (i.e. construction waste, vegetative waste etc.).

An asbestos survey must be done to determine if material-containing asbestos is present at the site. Demolition and renovation projects must comply with the requirements of CFR 40, Part 61, Subpart M

MARK LEONARD FOR SCHADE TOWERS

July 13, 1998

Page 3

and SCAPCA Regulation I, Article IX. Intent to Demolish forms are available at the SCAPCA office. Asbestos containing material must be taken to a licensed facility.

Depending upon the type of business or equipment established on site, some objectionable odors may result from this project. SCAPCA's regulations state that effective control apparatus and measures must be used to reduce odors to a minimum.

All solid fuel burning devices (fireplaces wood stoves, pellet stoves, etc...) must comply with local, state, and federal rules and regulations. Fireplace emission standards go into effect January 1, 1997. New fireplaces must be tested and labeled in accordance with procedures and criteria specified in the UBC Standard 31-2.

B.7.a At a minimum, toxic pollutants associated with natural gas combustion, and toxic chemicals used in processes, fire and explosion risks, spills, or hazardous waste associated with manufacturing and industrial processes could be present.

B.7.a.(1) At a minimum, fire department and hazardous response teams may be needed depending on the types of businesses and processes established at the site.

B.7.a.(2) Federal, State, and SCAPCA Regulations must be followed concerning possible environmental issues arising from possible industrial and manufacturing processes.

B.15.a Depending upon the types of businesses established in the building, the hazardous response team could be required.

A COPY OF THIS LETTER SHOULD BE PROVIDED TO ANY POSSIBLE TENANT TO AID THEM IN MAKING DECISIONS. STATE AND LOCAL LAWS STATE THAT IT IS UNLAWFUL TO INSTALL AN AIR POLLUTION SOURCE WITHOUT AN APPROVED NOTICE OF CONSTRUCTION FROM SCAPCA.

If the proponent or anyone else has questions concerning the above, please contact Charles E. Studer (509) 477-4727 ext. 107, April Miller ext. 105, or Kelle Vigeland ext. 106 at SCAPCA's office during the hours of 8:00 am & 4:30 pm, Monday through Friday.

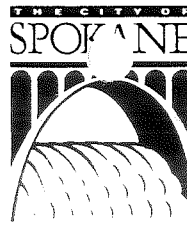
Failure to meet SCAPCA regulations may result in delays, closure and civil and/or criminal sanctions.

CLEAN AIR IS UP TO ALL OF US

MARK LEONARD FOR SCHADE TOWERS

July 13, 1998

Page 4



PLANNING SERVICES
808 W. SPOKANE FALLS BLVD.
SPOKANE, WASHINGTON 99201-3329
(509) 625-6060
FAX (509) 625-6013

CHARLES L. DOTSON
DIRECTOR

July 7, 1998

Spokane WA 992

Attached is the form of public notice that you need to mail and post for the Schade Towers Shoreline Substantial Development with Variance Permit. I believe that you have the information on the procedures, please contact me if not. The sign should be posted on the same day that the notice is mailed and that will start the 21 day public comment period. During that time you will need to hold a community meeting at a location and time of your choice. After the meeting please prepare a summary of the meeting and submit it to us as with the affidavits of posting and mailing to become a part of the process file. When that step is completed, we will verify that the application is complete and notify you of the date of the public hearing. At that time, you will change the sign to display the date and time of the hearing and also mail notice of the hearing at least 15 days before the hearing date. If you have questions on the process or form of notice, feel free to call me at 625-6088.

In addition to the posting and publishing, please send a written notice to the following persons:

Downtown

Sr Patty Beattie
218 S Howard
Spokane Wa 99204

Kay Cobb
802 E Mission
Spokane Wa 99202

East Central

Carl Boston
2309 E. North Altamont
Spokane WA 99202

Carrie Storms
1917 E 5th
Spokane WA 99202

ECCC Nghd Council
Johnson or Martin
500 S Stone
Spokane Wa 99202

Eric Johnson
1840 E 9th
Spokane Wa 99202

Sincerely,

Steve Haynes
Zoning, Subdivision, Shorelines Administration

NOTICE OF APPLICATION FOR SHORELINE SUBSTANTIAL DEVELOPMENT PERMIT AND VARIANCE

Notice is hereby given that 3E Design Group, representing Mark Leonard owner of Schade Towers (formerly known as the Schade Brewery) has applied for a Shoreline Substantial Development Permit with a Variance to construct a parking area located at 528 E Trent in the Southwest Quarter of Section 17 Range 25 N Townshipp 43 EWM, File #Z9800061-SL/VA.

Any person may submit comments on the proposed action or call for additional information at:

Planning Services Department
Attn: Steve Haynes
808 W. Spokane Falls Blvd.
Spokane WA 99201-3333

Phone 625-6088

Applicant: Gary Conner
501 N Riverpoint Blvd
Spokane WA 99202
Phone 456-8218

Description of Proposal: To obtain approval of a Shoreline Substantial Development Permit with a Variance to construct a parking lot east of the existing Schade Towers/Brewery to support the retail business uses that are proposed to be located within the building which is being remodeled. Normally, parking is allowable within the shoreline jurisdictional boundary of 200 feet from the shoreline, so long as it is 100 feet away from the shoreline. In this application, a variance is requested to locate the parking within 40 feet of the shoreline.

Comments will be considered on the application and any environmental issues or documents related to it. All written comments received will become a part of the record. Comments are due within 21 days of the mailing, publishing or posting of this notice which is (21 days after date of notice) _____.

Applicant fills in date

Only the applicant and persons submitting written comments or oral testimony at the public hearing may appeal the decision.

A community meeting will be held at _____
(Applicant fills in place)

on _____ at _____.
(Applicant fills in date and time)

The purpose of the community meeting is to provide an informal forum for the applicant to describe the proposal to interested neighborhood residents. The community meeting is not an official meeting and is not a part of the decision making process. A public hearing before the hearing examiner will be held at a later date. If you receive this notice you will also be notified by mail of the date, place and time of the public hearing.

FORM OF POSTED NOTICE:

**NOTICE OF APPLICATION FOR SHORELINE
SUBSTANTIAL DEVELOPMENT PERMIT AND VARIANCE**

PROPOSED PARKING AREA

**PUBLIC COMMENTS DUE BY (21 days after date of notice)
AN INFORMAL COMMUNITY MEETING WILL BE HELD AT
(Place) ON (Date) AT (Time)**

FOR INFORMATION CALL 625-6088



Larry S. Chalmers
Gary T. Connor, AIA
Robert J. Kasberger

MEMORANDUM

DATE: June 29, 1998

TO: Steve Haynes
Zoning Department
City of Spokane
808 W. Spokane Falls Blvd.
Spokane, WA 99201

FROM: Gary T. Connor, AIA *GR*
3E Design Group, P.S.
501 N. Riverpoint Blvd., Ste. 425
Spokane, WA 99202

RE: Shorelines Permit/Variance Application
Schade Towers
528 East Trent
Spokane, WA

Attached, please find the applications and forms for the shoreline permit application process for Schade Towers. Following is a listing of materials included in this submittal.

1. Application for zoning special permit or shoreline substantial use permit.
2. Application for substantial development permit.
3. Application for zoning and shoreline variance.
4. City of Spokane Planning Department general application.
5. Predevelopment conference notes.
6. Completed S.E.P.A. checklist.
7. Check for required fees (\$2084.00)
 - A. Shoreline Management \$1086.00
 - B. Shoreline Variance \$868.00
 - C. S.E.P.A. Review \$75.00
 - D. Notification District Map \$55.00
8. Narrative description of shorelines permit application.
9. Vicinity map.

10. Site plan (14 site plans, including one 8 ½ x 11).
11. Application for notification map.
12. Copy of site survey.

We are also requesting that the city realize that this site or a portion of it was included in the shorelines review for the adjacent Brian Whitfield project, it was your department's ruling that the original approval does not apply to this application.

It should also be note that the evaluation for the permit fees is based on the development costs associated with the back parking lots within the 200 foot shorelines designation area. It is my opinion that the value of work to be undertaken in this area is approximately \$150,000. We have used this figure to base our permit application fee.

Please review the attached information. Please call me to set up a counter meeting to go over the submittal.

cc: Mark Leonard

CITY OF SPOKANE PLANNING DEPARTMENT
APPLICATION FOR NOTIFICATION MAP

Please answer each question completely. If more space is needed, attach additional paper.

Name of applicant: Schade Towers - Mark Leonard

Applicant's address: 528 E. Trent Ave.

Spokane, WA

Applicant's phone: 455-4568

Type of application: Shorelines Permit/Variance

Location of proposal: 528 E. Trent

Spokane, WA

Parcel numbers of site: 35173.0122; 35174.0556; 351743.0121

Present zoning of site: M-1

LEGAL DESCRIPTION:

Does the owner/applicant own any property adjacent to above subject property?

YES _____ NO X

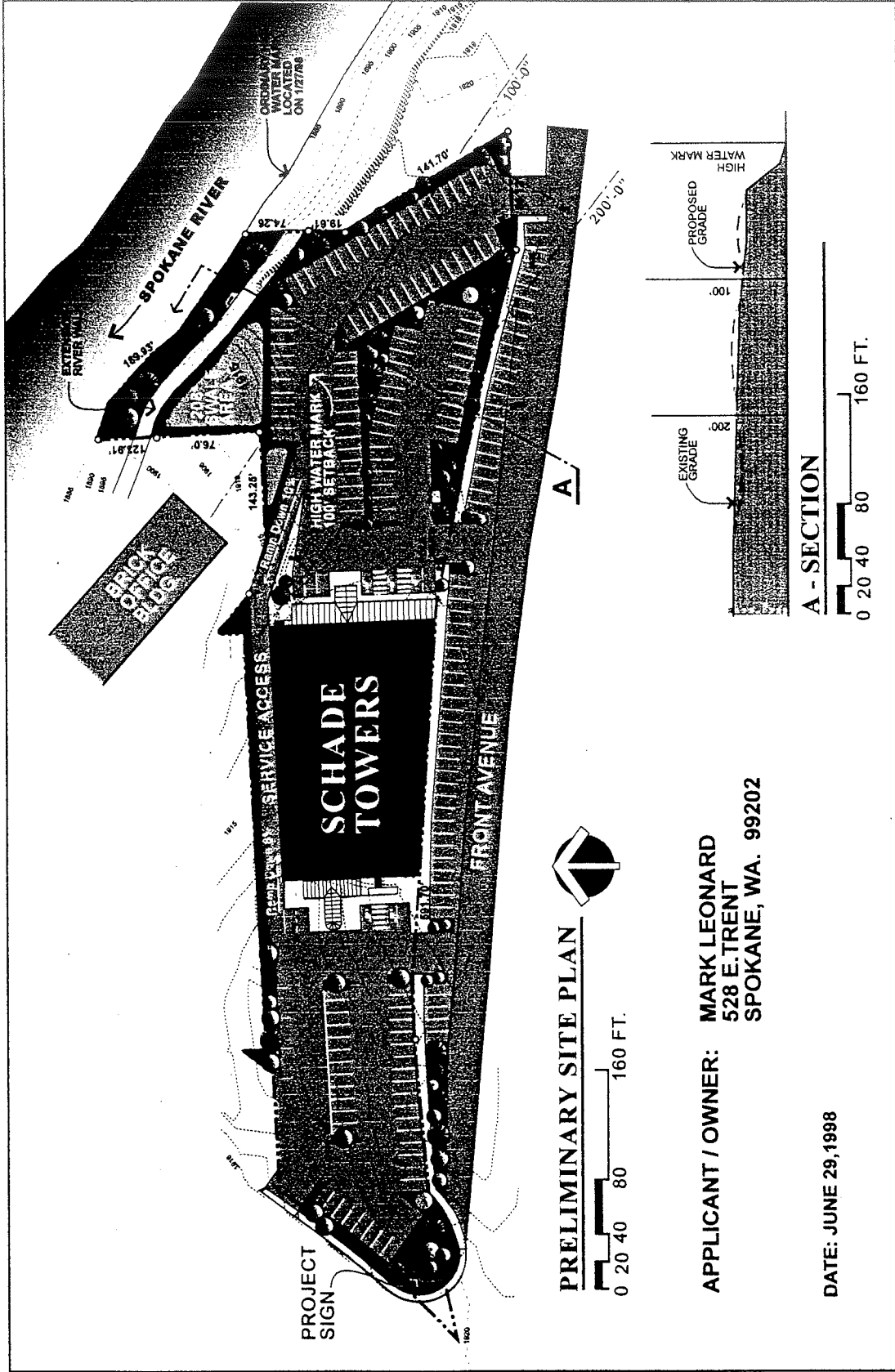
Has the notification map fee been paid?

YES X NO _____

I acknowledge, as a part of this application, that I am responsible for all notification requirements as described in the notification instructions to the applicant for public hearing and community meeting. Copies of these instructions are available from the Zoning Department.


SIGNATURE OF APPLICANT

Gary Connor - 3E Design Group

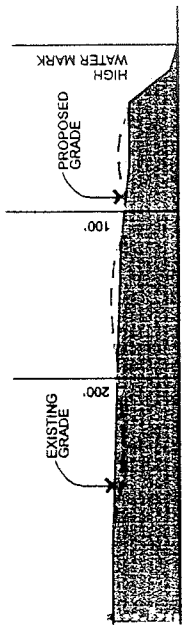


PRELIMINARY SITE PLAN



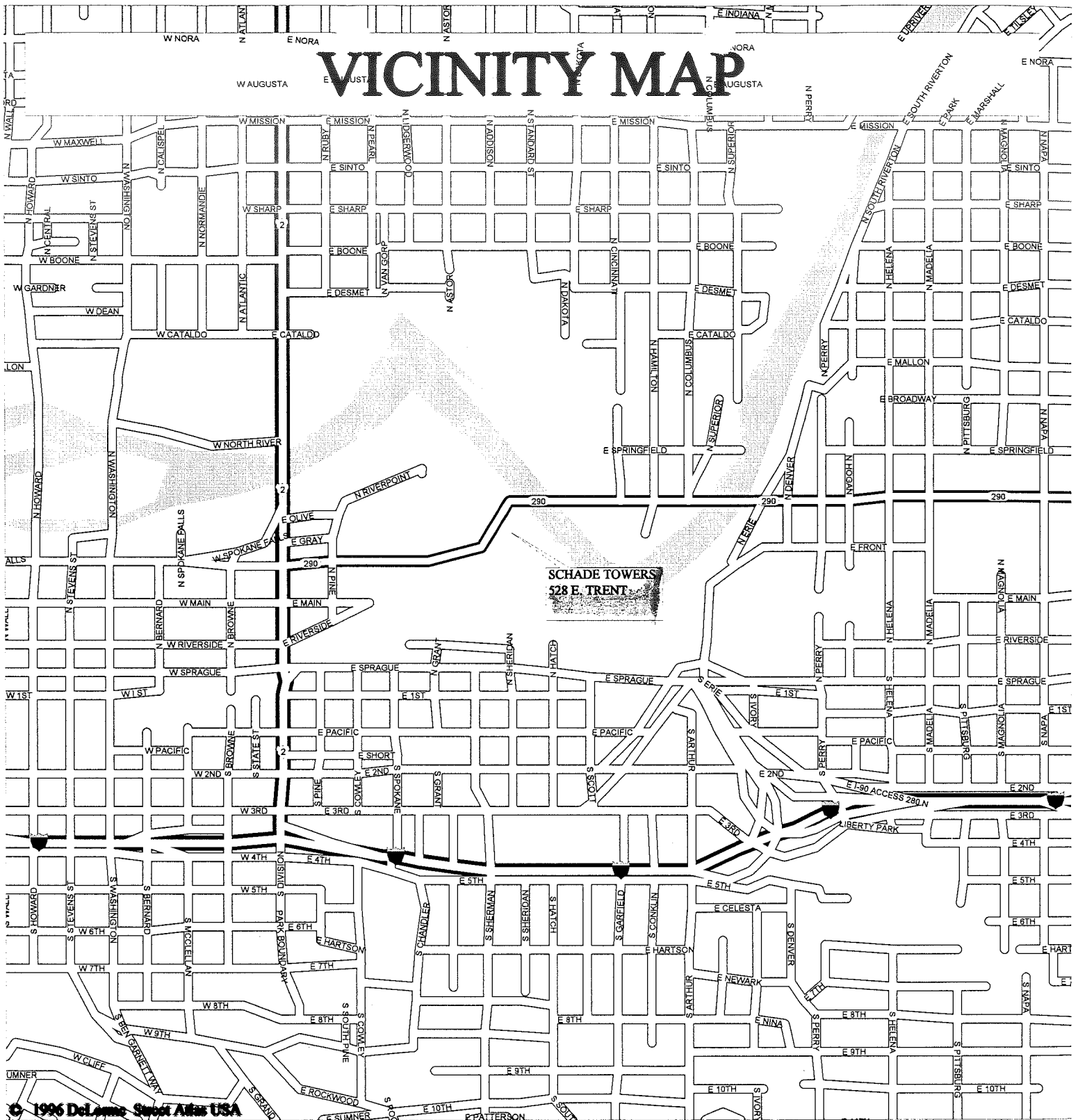
**APPLICANT / OWNER: MARK LEONARD
528 E. TRENT
SPOKANE, WA. 99202**

DATE: JUNE 29, 1998



3E DESIGN GROUP P.S.

SCHADE TOWERS










VICINITY MAP

© 1996 DeLorme Street Atlas USA

Mag 15.00
 Wed May 13 13:03 1998
 Scale 1:15,625 (at center)
 1000 Feet

500 Meters

-  Secondary SR/Road/Hwy Ramp
-  State Route
-  Interstate/Limited Access
-  US Highway
-  Population Center
-  Land
-  Water

CITY OF SPOKANE PLANNING DEPARTMENT GENERAL APPLICATION

NOTE TO APPLICANT: Please answer each question completely. If more space is needed, attach additional paper. If you have any questions about this application, do not understand the questions, or need additional information regarding regulations or policies of the City of Spokane, city staff will be happy to assist you. You are entitled to a Pre-Development Conference if you would like one. Please call 625-6100 to schedule a Pre-Development Conference appointment.

1. DESCRIPTION OF PROPOSAL:

Construction of parking area, built in conjunction with the
development of the historic "Schade" Brewery building

- a: The official address of the site of the proposal: 528 E. Trent
(If an address is not assigned, the applicant must obtain an address from the
Construction Services Department - Public Works before the application is accepted.)

2. APPLICANT:

Name: Mark Leonard
Address: 528 E. Trent Ave., Spokane, WA
Phone: (home) _____ (work) 509-455-4568

3. PROPERTY OWNER:

Name: Same
Address: _____
Phone: (home) _____ (work) _____

4. AGENT:

Name: 3E Design Group, PS.
Address: 501 N. Riverpoint Blvd.-#425, Spokane, WA
Phone: (home) _____ (work) 509-456-8218

5. ASSESSOR'S PARCEL NUMBERS (List all parcel numbers of property):

35173.0122; 35174.0556; 351743.0121

6. Legal description of property:

See attached survey

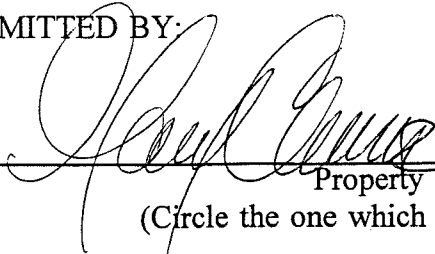
7. Size of property:

Irregular; 53,000 SF. (vacant land only)

8. List the specific permits requested in this application.

Shorelines permit; shorelines variance

SUBMITTED BY:



Property Owner/Property Purchaser/Agent

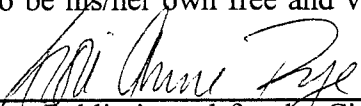
(Circle the one which applies. If agent, identify who you represent.)

In the case of discretionary permits (administrative, hearing examiner, landmarks commission, or plan commission), if the applicant is not the property owner, the owner must provide the following acknowledgement:

I, _____, owner of the above described property do hereby authorize _____ to represent me and my interests in all matters regarding this application.

ACKNOWLEDGEMENT

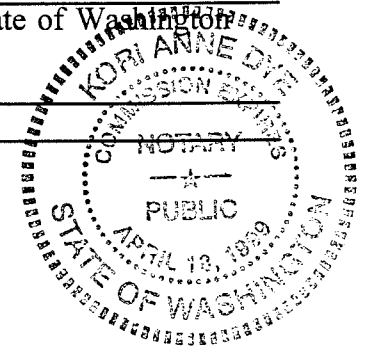
I certify that I know or have satisfactory evidence that Gary Connor signed this instrument and acknowledged it to be his/her own free and voluntary act for the uses and purposes mentioned in this instrument.



Notary Public in and for the City of Spokane, State of Washington

Date: 7/1/98

My commission expires: 4/18/99



For official use only:

File # _____ Date received: _____
Additional environmental studies req'd: ___ traffic; ___ geotechnical; ___ drainage;
___ other: list: _____
Design review Req'd: ___ Yes ___ No
Project compliance review req'd: ___ Yes ___ No
Date certified complete: _____

CITY OF SPOKANE PLANNING DEPARTMENT
APPLICATION FOR ZONING SPECIAL PERMIT
OR SHORELINE SUBSTANTIAL USE PERMIT

1. What section of the Zoning code allows the proposed use to be considered for a Special Permit in the zoning district in which the property is located? If the application is for a shoreline conditional use permit, what section of the shoreline regulation allows the proposed use to be considered for a conditional use permit? Be specific. If the use you are proposing is not specifically listed, how is the use similar to those uses that are specifically listed?

Section 13.19 Roads, Railroads and Parking, Paragraph .021; "Local, public or private access roads and parking areas to serve uses permitted under these regulations provided all parking within the the shoreline boundary at or above grade is located not more than 100 feet from the officially adopted shoreline boundary."

2. Identify the specific development standards or performance criteria (for example, parking, setbacks, landscaping, noise levels) for the use. Please state how your proposal complies with them. (For example, state how much parking is required and how much is being proposed.)

The proposed site plan development indicates a total of 94 cars within the "back parking area." This, coupled with onsite, offsite and the "front parking area" provide only 163 parking spaces for the building. Presently it has been calculated that 184 spaces be provided, based on the anticipated occupancy.

3. What Zoning Code, shoreline regulations and Comprehensive Plan Goals and Policies apply to the proposed use? Please state how the proposed use fulfills these Goals and Policies.

Following are goals which apply to the proposed use:

- a. Public Access
- b. Economic
- c. Conservation
- d. Historic/Cultural

4. Are the existing transportation systems, public facilities and services existing in the area adequate to support the proposed development? Are any of the improvements to transportation systems, public facilities and services necessary as a result of the proposed use funded in the City's capital improvement programs?

Based on the S.E.P.A. checklist and the traffic study previously completed, there are no impacts on existing transportation systems, public facilities or services due to this development.

5. What uses are located on adjacent property and in the vicinity? How do the size, appearance, and offsite impacts of the proposed use compare with the uses located on adjacent property and in the vicinity?

Presently the property to the north is a "water-related" office building, with parking. The property to the south is industrial/warehouse. The existing property to the south contains truck parking within 200 feet of the river. This site was originally utilized as a storage/dumping yard, in its previous use as a recycling

facility. Previous to that in the historic era of the brewery it was utilized as building access and parking.

6. What measures are you proposing to avoid significant adverse affects or interference with the use of neighboring property or the surrounding area?

Code required landscaping, site drainage and public access is being utilized or expanded due to this development.

7. (FOR SHORELINE CONDITIONAL USE PERMITS ONLY) To what extent will the proposed use interfere with the normal public access and use of public shorelines?

The proposed development will increase public access to the site by providing paved parking, paved access and an extension of the existing riverwalk system.

IF A SEPA ENVIRONMENTAL CHECKLIST IS NOT REQUIRED AS A PART OF THIS APPLICATION, PLEASE COMPLETE THE FOLLOWING QUESTIONS:

8. How much vehicular and pedestrian traffic will the proposed use generate?

9. Describe the property's physical features (soils, slope, topography, ground or surface water) and the effect they will have on its development for the proposed use. What changes will need to be made to the property to accommodate the proposed use? Will any special measures need to be taken into account for the property's physical features? If yes, please describe.

10. What levels of noise, smoke, odors, fumes, glare and other offsite impacts will be generated by

CITY OF SPOKANE PLANNING DEPARTMENT APPLICATION FOR ZONING & SHORELINE VARIANCE

Please answer each question completely. If more space is needed, attach additional paper.

1. Description of request: (Indicate what you are seeking to vary)

	Required	Requested
A. Setback		
Front yard	_____	_____
Rear yard	_____	_____
Side yard	_____	_____
B. Lot coverage	_____	_____
C. Lot size	_____	_____
D. Lot width	_____	_____
E. Height	_____	_____
F. Other Shoreline Parking Setback	100'	40' (min)

2. What physical characteristics of the property (including existing improvements) interfere with your ability to meet the required standards?

The location of the existing historic building & the irregular configuration of the site dictate the use of this site as parking. 100' setback removes approximately 43% of site from utilization as parking.

3. How does this property differ from other similarly zoned property in the area regarding the physical characteristics making the variance necessary?

The location of the existing historic building dictates that this location be used for parking for the building. Other uses of site would not have adequate parking and would restrict public access.

4. What harm or hardship will result if the requested variance is not granted?

Owner would not be able to provide adequate parking for the development of the adjacent historic building. Even with this variance the parking count does not meet current codes.

5. Will the variance

- A) Interfere with vision of traffic on or from a road or driveway? NO
- B) Block views from neighboring property? NO
- C) Result in improvements encroaching into existing or proposed right-of-way? NO
- D) Block light or air to neighboring property? NO
- E) Increase noise to neighboring property? NO
- F) Increase development costs to neighboring property? NO
- G) Decrease development potential of neighboring property? NO
- H) Allow development inconsistent with existing improvements in the area? NO
- I) Result in loss of landscaping necessary to visually block an undesirable view or enhance the appearance of the property from street or neighboring property? NO
- J) Result in loss of the appearance of pedestrian scale adjacent to public rights-of-way? NO
- K) Cause storm water to run on to neighboring property? NO
- L) Interfere with maintaining improvements, including landscaping, on the property? NO

6. If answer is "yes" to any of the above, what measures do you propose to avoid these impacts?

SUBSTANTIAL DEVELOPMENT

APPLICATION FOR SUBSTANTIAL DEVELOPMENT PERMIT

TO THE APPLICANT: This is an application for a substantial development permit and is authorized by the Shoreline Management Act of 1971. It is suggested that you check with appropriate local, state, or federal official to determine whether your project falls within any other permit system.

1. Name of applicant: Mark Leonard
2. Mailing Address: 528 East Trent
3. Relation of applicant to property:
 OWNER Purchaser Lessee
 Other _____
4. Name and address of owner, if other than applicant: _____
Same
5. General location of proposed project: Within the SW quarter of Section 17 of Township 25 N., Range 43 E.W.M. in the City and County of Spokane, Washington, commonly known as 528 E. Trent Ave.
Assessor's Parcel No. 35173.0122; 35174.0556; 351743.0121
6. Name of water area and/or wetlands within which development is proposed: SPOKANE RIVER/LATAH CREEK
7. Current use of the property with existing improvements: _____
Vacant land adjacent to existing historic building.
8. Proposed use of the property: Surface parking lot for adjacent building.
9. (to be completed by local official) Nature of the existing shoreline: _____
10. (to be completed by local official)
 Not Applicable See Attachment
11. Total cost of development/project. \$ 150,000
Total Fair Market Value of development/project. \$ 150,000
12. Is this project the maintenance or repair of an existing structure or development: YES _____ NO
13. Does this project involve the construction of a normal protective bulkhead common to a single family residence?
YES _____ NO

14. Does this project involve "emergency construction" necessary to protect property from damage by the elements?
YES _____ NO x
15. Does this project involve the construction of or practices necessary for farming, irrigation improvements, ranching activities, service roads, and utilities on wetlands?
YES _____ NO x
16. Does this project involve the construction of a single family residence for a property owner on property located within designated wetlands? YES _____ NO x
17. Does this project involve the construction of a dock designed for pleasure craft only and for the private non-commercial use of the property owner of a single family residence?
YES _____ NO x
18. Does this project involve the operation, maintenance or construction of canals, waterways, drains, reservoirs, dikes, ditches, or other facilities? YES _____ NO x
19. Does this project involve any existing building construction prior to June 1, 1971? YES x NO _____
20. What is the projected date for completion of this project
9-98.

PROJECT DIAGRAMS: Draw all site plans and maps to scale, clearly indicating the scale on the lower right-hand corner, and attach them to the application.

(a) SITE PLAN. Include on the Plan Drawing:

- (1) Site Boundary
- (2) Property dimensions in vicinity of project
- (3) Ordinary high-water mark (OHM).
- (4) Typical cross section or sections showing:
 - (i) Existing ground elevations
 - (ii) Proposed ground elevations
 - (iii) Height of existing structures
 - (iv) Height of proposed structures
- (5) Proposed land contours using five-foot intervals in water area and ten-foot intervals on the area landward of ordinary high-water mark, if the development involves grading, cutting, filling, or other alteration of land contours.
- (6) Dimensions and locations of existing structures which will be maintained.
- (7) Dimensions and locations of proposed structures.
- (8) The source, composition, and volume of fill material, if any.
- (9) The composition and volume of any extracted materials, and identify proposed disposal area.
- (10) Location of proposed utilities, such as sewer, septic tanks and drainfields, water, gas, electricity.
- (11) Location of proposed septic tank(s). Include Spokane County Health District and/or Washington State approved certification.
- (12) Shoreline designation according to master program.
- (13) Show which areas are shorelines and which are shorelines of Statewide significance. (The Spokane River and Latah Creek are both shorelines of statewide significance.

- (b) VICINITY MAP. (Please use 8 1/2 x 11 inch City map with scale of approximately 1" = 1,000' 1" = 2,000')
- (1) Indicate site location using natural points of reference (roads, state highways, prominent landmarks, etc.)
 - (2) If the development involves the removal of any soils by dredging or otherwise, please identify the proposed disposal site on the map. If the disposal site is beyond the confines of the vicinity map, provide another vicinity map showing the precise location of the site and its distance to the nearest city or town.
 - (3) Give a brief narrative description of the general nature of the improvements and land use within one thousand feet in all directions from the development site. (i.e., residential to the north, commercial to the south, etc.)

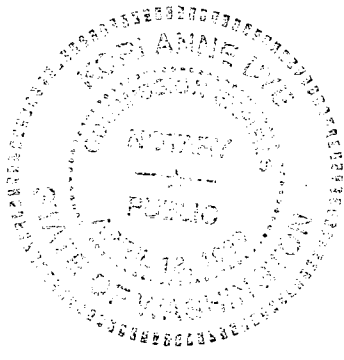
I, MARK A LEONARD, am the above-named applicant for a permit to construct a substantial development pursuant to Chapter 90.58 RCW, and hereby state that the foregoing statements, answers, and information are, in all respects, true and correct to the best of my knowledge and belief.

5-1-98
(Date)

Mark Leonard
Applicant's Signature

Mark Leonard
Property Owner's Signature

Subscribed and sworn to me this 1ST day of May, 1998.



Anne L. Dy
Notary Public in and for the
State of Washington, residing
at Spokane, WA

NARRATIVE DESCRIPTION
SHORELINES PERMIT APPLICATION
SCHADE TOWER
SPOKANE, WA

As required by city code, the Schade Towers development located at East 528 Trent Avenue is requesting approval of shorelines permit to facilitate development on the property directly east of the existing building. The attached site plan and section illustrate the amount of development work that is anticipated within the affected (200 ft. setback) portion of the site.

This portion of the site will develop into parking and vehicular access to the east entry of the existing building. In addition, "208" swale areas will be created and public access from the parking lot to the trail will be constructed. As noted on the section, there is minor grading to be undertaken to facilitate drainage from the paved areas into the "208" swale areas. At this time, no imported fill material is anticipated for the site, regrading will be facilitated by all on-site fill material.

It is our understanding that the development adheres to all regulations associated with the shorelines permitting process, in relation to setbacks and landscape development. Please note that public access to the shoreline is enhanced with this proposal. The access and views of the river will be benefitted by the use of this portion of the site being utilized as parking, in lieu of a structure.

SEPA RULES

Part Eleven - 197-11-960

TO BE COMPLETED BY APPLICANT

Environmental Checklist

File No. 29800061-SL/VA

A. BACKGROUND

1. Name of proposed project, if applicable: Schade Towers, 528 East Trent, Spokane, Washington
2. Name of Applicant: Mark Leonard
3. Address and phone number of applicant or contract person: 528 East Trent Avenue, Spokane, WA 99202, 455-4568. Contact: Gary Connor, 3E Design Group, P.S., 456-8218
4. Date checklist prepared: May 1, 1998
5. Agency requesting checklist: Spokane City Construction Services (Shoreline)
6. Proposed timing or schedule (including phasing, (if applicable)): Immediate
7. a. Do you have any plans for future additions, expansion, or further activity related to or connected with this proposal? If yes, explain. Yes, possible addition to existing building.
b. Do you own or have options on land nearby or adjacent to this proposal? If yes, explain. No
8. List any environmental information you know about that has been prepared, or will be prepared, directly related to this proposal. To the best of our knowledge, no specific environmental reports or information have been prepared.
8. Do you know whether applications are pending for governmental approvals of other proposals directly affecting the property covered by your proposal? If yes, explain. Building Permit.
9. List any government approvals or permits that will be needed for your proposal, if known. 1. Building permit; 2. Historic; 3. Shorelines.
10. Give brief, complete description of your proposal, including the proposed uses and the size of the project and site. There are several questions later in this checklist that ask you to describe certain aspects of your proposal. You do not need to repeat those answers on this page. Re-Development of approximately 80,000 s.f. historic building with site development for required parking.
11. Location of the proposal. Give sufficient information to a person to understand the precise location of your proposed project, including a street address, if any, and section, township and range, if known. If a proposal would occur over a range of area, provide the range or boundaries of the site (s). Provide a legal description, site plan, vicinity map, and topographic map, if reasonably available. While you should submit any plans required by the agency, you are not required to duplicate maps or detailed plans submitted with any permit application related to this checklist. 528 E. Trent, Spokane, Washington (See vicinity map).

SEPA RULES

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TO BE COMPLETED BY APPLICANT

Evaluation for Agency Use Only

12. Does the proposed action lie within the Aquifer Sensitive Area (ASA)? The General Sewer Service Area? The Priority Sewer Service Area? The City of Spokane? (See: Spokane County's ASA Overlay Zone Atlas for boundaries). Project within ASA, City of Spokane sewer is available and connected.

TO BE COMPLETED BY APPLICANT

Evaluation for Agency Use Only

B. ENVIRONMENTAL ELEMENTS

1. EARTH

- a. General description of the site (circle one): Flat, rolling, hilly steep slopes, mountainous, other:
- b. What is the steepest slope on the site (approximate percent slope)? Service access - 10% - General site less than 2%.
- c. What general types of soils are found on the site (for example, clay, sand, gravel, peat, muck)? If you know the classification of the agricultural soils, specify them and not any prime farmland. Gravel, broken and solid rock.
- d. Are there surface indications or history of unstable soils in the immediate vicinity? If so, describe. No
- e. Describe the purpose, type, and approximate quantities of any filling or grading proposed. Indicate source of fill. None anticipated other than topsoil for landscaping.
- f. Could erosion occur as a result of clearing, construction, or use? If so, generally describe. No
- g. About what percent of the site will be covered with impervious surfaces after project construction (for example, asphalt or buildings)? 80%
- h. Proposed measures to reduce or control erosion, or other impacts to the earth, if any: Normal city standard erosion control methods will be utilized during construction.

2. AIR

- a. What type of emissions to the air would result from the proposal (i.e., dust, automobile, odors, industrial, wood smoke) during construction and when the project is completed? If any, generally describe and give approximate quantities if known. Normal construction emissions will occur during the development of the project.
- b. Are there any off-site sources of emissions or odor that may

SEPA RULES

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TO BE COMPLETED BY APPLICANT

Evaluation for Agency Use Only

affect your proposal? If so, generally describe. No

- c. Proposed measures to reduce or control emissions or other impacts to air, if any: Development will eliminate existing gravel parking areas.

3. WATER

a. Surface:

1) Is there any surface water body on or in the immediate vicinity of the site including year-round and seasonal streams, saltwater, lakes, ponds, wetlands)? If yes, describe type and provide names. If appropriate, state what stream or river it flows into. Adjacent to Spokane River.

2) Will the project require any work over, in, or adjacent to (within 200 feet) the described waters? If yes, please describe and attach available plans. Yes, see attached plan.

3) Estimate the amount of fill and dredge material that would be placed in or removed from the surface water or wetlands and indicate the area of the site that would be affected. Indicate the source of fill material. None

4) Will the proposal require surface water withdrawals or diversions? Give general description, purpose, and approximate quantities if known. No

5) Does the proposal lie within a 100-year flood plain? If so, note location on the site plan. No

6) Does the proposal involve any discharges of waste materials to surface waters? If so, describe the type of waste and anticipated volume of discharge. No

b. GROUND:

1) Will ground water be withdrawn, or will water be discharged to groundwater? Give general description, purpose, and approximate quantities if known. No

2) Describe waste material that will be discharged into the ground from septic tanks or other sanitary waste treatment facility. Describe the general size of the system, the number of houses to be served (if applicable) or the number of persons the system(s) are expected to serve. None

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TO BE COMPLETED BY APPLICANT

Evaluation for Agency Use Only

3) Describe any systems, other than those designed for the disposal of sanitary waste, installed for the purpose of discharging fluids below the ground surface (includes systems such as those for the disposal of storm water or drainage from floor drains). Describe the type of system, the amount of material to be disposed of through the systems and types of materials likely to be disposed of (including materials which may enter the system inadvertently through spills or as a result of fire fighting activities). None

4) Will any chemicals (especially organic solvents or petroleum fuels) be stored in above ground or underground storage tanks? If so, what types and quantities of materials will be stored? No

5) What protective measures will be taken to insure that leaks or spills of any chemicals stored or used on site will not be allowed to percolate to ground water (this includes measure to keep chemicals out of disposal systems described in 3b(2) and 3b(3)? None needed

c. Water Runoff (including storm water):

1) Describe the source of runoff (including storm water) and method of collection and disposal if any (include quantities, if known). Where will this water flow? Will this water flow into other waters? If so, describe. "208" grassy swale areas will be provided for in all new pavement (hard surface).

2) Will any chemicals be stored, handled or used on the site in a location where a spill or leak will drain to surface or ground water or to a storm water disposal system discharging to surface or ground water? No

3) Could waste materials enter ground or surface water? If so, generally describe. No

d. Proposed measures to reduce or control surface, ground, and runoff water impacts, if any (if the proposed action lies within the Aquifer Sensitive Area be especially clear on explanations relating to facilities concerning Sections 3b(4), 3g(5), and 3c(2) of this checklist). Surface runoff will be diverted to grassy swale areas in accordance with "208" requirements.

4. PLANTS

a. Check or circle type of vegetation found on the site: None

SEPA RULES

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TO BE COMPLETED BY APPLICANT

Evaluation for Agency Use Only

- Deciduous tree: alder, maple aspen, other.
- Evergreen tree: fir, cedar, pine, other
- shrubs
- grass
- pasture
- crop or grain
- wet soil plants, cattail, buttercup, bullrush, skunk cabbage, other.
- water plants: water lilly, eelgrass, milfoil, other.
- other type of vegetation

- b. What kind and amount of vegetation will be removed or altered? None
- c. List threatened or endangered species known to be on or near the site. None
- d. Proposed landscaping, use of native plants, or other measures to preserve or enhance vegetation on the site, if any: New landscaping will include planting native material along riverbank and appropriate plantings in new landscape areas.

5. ANIMALS

- a. Circle any birds and animals which have been observed on or near the site or are known to be on the site:

birds: hawk, heron, eagle, songbirds, other: A variety of birds associated with the Spokane River.

mammals: deer, bear, elk, beaver, other: None

fish: bass, salmon, trout, herring, shellfish, other: Several types of fish associated with the Spokane River.
- b. List any threatened or endangered species known to be on or near the site. None
- c. Is the site part of a migration rout? If so, explain. No
- d. Proposed measures to preserve or enhance wildlife, if any: New development and associated landscaping will provide new habitat for all wildlife.

6. ENERGY AND NATURAL RESOURCES

- a. What kinds of energy (electric, natural gas, wood stove,

SEPA RULES

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TO BE COMPLETED BY APPLICANT

Evaluation for Agency Use Only

solar) will be used to meet the completed project's energy needs? Describe whether it will be used for heating, manufacturing, etc. Natural gas for heating and cooking and electricity for lighting.

- b. Would your project affect the potential use of solar energy by adjacent properties? If so, generally describe. No
- c. What kinds of energy conservation features are included in the plans of this proposal? List other proposed measures to reduce or control energy impacts, if any: New project will comply with current energy code codes for existing and historic buildings.

7. ENVIRONMENTAL HEALTH

- a. Are there any environmental health hazards, including exposure to toxic chemicals, risk of fire and explosion, spill, or hazardous waste, that could occur as a result of this proposal? If so, describe. No

1) Describe special emergency services that might be required. None

2) Proposed measure to reduce or control environmental health hazards, if any: None required

- b. Noise:

1) What types of noise exist in the area which may affect your project (for example: traffic, equipment, operation, other)? No significant noise impacts

2) What types and levels of noise would be created by or associated with the project on a short-term or long-term basis (for example:; traffic, construction, operation, other)? Indicate what hours noise would come from the site. Normal construction (short form) traffic study does not indicate any significant increase in traffic and related noise.

3) Proposed measure to reduce or control noise impacts, if any: None required

8. LAND AND SHORELINE USE

- a. What is the current use of the site and adjacent properties? Site: vacant; Adjacent: Office
- b. Has the site been used for agriculture? If so, describe. No
- c. Describe any structures on the site. Existing 3- story (+) building

SEPA RULES

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Evaluation for Agency Use Only

- d. Will any structures be demolished? If so, which? No
- e. What is the current zoning classification of the site? M-1; light industrial
- f. What is the current comprehensive plan designation of the site? Light industrial
- g. If applicable, what is the current shoreline master program designation of the site? Upriver - Urban; Park, Public, Utilities.
- h. Has any part of the site been classified as a "environmentally sensitive" area? If so, specify. No
- i. Approximately how many people would reside or work in the completed project? 250 people in retail and office use.
- j. Approximately how many people would the completed project displace? None
- k. Proposed measures to avoid or reduce displacement impacts, if any: None
- l. Proposed measures to ensure the proposal is compatible with existing and projected land uses and plans, if any: Proposed development follows the projected future land uses of the adjacent properties (office, retail and educational).

9. HOUSING

- a. Approximately how many units would be provided, if any? Indicate whether high, middle, or low-income housing. None
- b. Approximately how many units, if any, would be eliminated? Indicate whether high, middle, or low-income housing. None
- c. Proposed measures to reduce or control housing impacts, if any: None needed

10. AESTHETICS

- a. What is the tallest height of any proposed structure (s), not including antennas; what is the principal exterior building material(s) proposed? Existing building - 95'
- b. What views in the immediate vicinity would be altered or obstructed? None

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- c. Proposed measures to reduce or control aesthetic impacts, if any: None needed

11. LIGHT AND GLARE

- a. What type of light or glare will the proposal produce? What time of day would it mainly occur? None
- b. Could light or glare from the finished project be a safety hazard or interfere with views? None
- c. What existing off-site sources of light or glare may affect your proposal? None
- d. Proposed measures to reduce or control light and glare impacts, if any: New exterior lighting around building and in the new parking areas will be controlled with low "cut-off" type fixtures.

12. RECREATION

- a. What designated and informal recreational opportunities are in the immediate vicinity? Riverfront bike/walk trail
- b. Would the proposed project displace any existing recreational uses? If so, describe. No
- c. Proposed measure to reduce or control impacts on recreation, including recreation opportunities to be provided by the project or applicant, if any: Extension of existing bike/walk trail

13. HISTORIC AND CULTURAL PRESERVATION

- a. Are there any places or objects listed on, or proposed for national, state, or local preservation registers known to be on or next to the site? If so, generally describe. Yes - existing building listed on local, state and national register
- b. Generally describe any landmarks or evidence of historic archaeological, scientific or cultural importance known to be on or next to the site. None
- c. Proposed measures to reduce or control impacts, if any: Proposed development of the existing building has obtained a Certificate of Appropriateness for proposed developments of

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existing building.

14. TRANSPORTATION

- a. Identify public streets and highways servicing the site, and describe proposed access to the existing street system. Show on site plans, if any. Trent avenue to west and north; front street to south and the Spokane river to the east. See attached site plan.
- b. Is site currently served by the public transit? If not, what is the approximate distance to the nearest transit stop? Yes, 50'
- c. How many parking spaces would the completed project have? How many would the project eliminate? 163 spaces will be available; none will be eliminated.
- d. Will the proposal require any new roads or streets, or improvements to existing roads or streets not including driveways? If so, generally describe (indicate whether public or private). New access to site from Trent Avenue.
- e. Will the project use (or occur in the immediate vicinity of) water, rail, or air transportation? If so, generally describe. No
- f. How many vehicular trips per day would be generated by the completed project? If known, indicate when peak would occur. See attached traffic study
- g. Proposed measures to reduce or control transportation impacts, if any: None required.

15. PUBLIC SERVICES

- a. Would the project result in an increased need for public services (for example: Fire protection, police protection, health care, schools, other)? If so, generally describe. The project will not require an increase of City services.
- b. Proposed measures to reduce or control direct impacts on public services, if any: None required

16. UTILITIES

- a. Identify utilities currently available at the site: Sewer, water, telephone, electrical, natural gas and cable t.v.
- b. Describe the utilities that are proposed for the project, the utility providing the service and the general construction activities on the site or in the immediate vicinity which might be needed. It is anticipated that the proposed project will utilize all current utilities without any needed alterations.

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TO BE COMPLETED BY APPLICANT

Evaluation for Agency Use Only

C. SIGNATURE

I, the undersigned, swear under the penalty of perjury that the above responses are made truthfully and to the best of my knowledge. I also understand that, should there be any willful misrepresentation or willful lack of full disclosure on my part, the agency may withdraw any determination of nonsignificance that it might issue in reliance upon this checklist.

Date: 6-29-98 Proponent: Gary Connor

Address: _____

Person completing form: Gary Connor

Date: 6-29-98

Phone: (509) 456-8218

FOR STAFF USE ONLY

Staff Member(s) Reviewing Checklist: _____

Based on this staff review of the environmental checklist and other pertinent information, the staff:

- A. Concludes that there are no probable significant adverse impacts and recommends a determination of nonsignificance.
- B. Concludes that probable significant adverse environmental impacts do exist for the current proposal recommends a mitigated determination of nonsignificance with conditions.
- C. Concludes that there are probable significant adverse environmental impacts and recommends a determination of significance.

FILING FEE - \$75.00

SEPA RULES

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TO BE COMPLETED BY APPLICANT

Evaluation for Agency Use Only

D. SUPPLEMENTAL SHEET FOR NONPROJECT ACTIONS

(Do not use this sheet for project actions)

1. How would the proposal be likely to increase discharge to water: emissions to air: production, storage, or release of toxic or hazardous substances: or production of noise? Development would increase discharge of water emissions to air and production of noise. Because of the contract rezone, there would not be any toxic or hazardous discharge.

Proposed measure to avoid or reduce such increases are: Providing "208" plan, grassy swale. Provide landscaped area to reduce noise and pollution.

2. How would the proposal be likely to affect plants, animals, fish, or marine life? It would not.

Proposed measures to protect or conserve plants, animals, fish, or marine life are: None.

3. How would the proposal be likely to deplete energy or natural resources? Building would use electricity, natural gas.

Proposed measures to protect or conserve energy and natural resources are: Building will be designed to Washington State Energy Code.

4. How would the proposal be likely to use or affect environmentally sensitive areas or areas designated (or eligible or under study) for governmental protection: such as parks, wilderness, wild and scenic rivers, threatened or endangered species habitat, historic or cultural sites, wetlands, flood plains, or prime farmlands. National hazard overlay area.

Proposed measures to protect such resources or to avoid or reduce impacts are: Sound engineering practice and good design to minimize the impact.

5. How would the proposal be likely to affect land and shoreline use, including whether it would allow or encourage land or shoreline uses incompatible with existing plans? None.

Proposed measures to avoid or reduce shoreline and land use impacts are: None.

6. How would the proposal be likely to increase demands on transportation or public services and utilities? Developing the site into commercial zone would minimize this, since the land is already zoned R-1, B-1 which would also increase demands if developed.

Proposed measures to reduce or respond to such demand(s) are: It would have a minimum impact on transportation, public services and utilities.

SEPA RULES

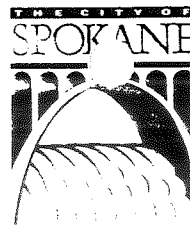
Part Eleven - 197-11-960

TO BE COMPLETED BY APPLICANT

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7. Identify, if possible, whether the proposal may conflict with local, state, or federal laws or requirements for the protection of the environment. None.

Gene H



98001

DEPARTMENT OF
CONSTRUCTION SERVICES
808 W. SPOKANE FALLS BLVD.
SPOKANE, WASHINGTON 99201-3343
(509) 625-6300
FAX (509) 625-6349

JOHN BJORK, P.E., M.B.A.
DIRECTOR
CITY ENGINEER

ROBERT EUGENE
BUILDING OFFICIAL

April 3, 1998

GARY T. CONNOR, AIA
3E DESIGN GROUP P S
501 NORTH RIVERPOINT BOULEVARD
SPOKANE WA 99202

RE: Schade Towers at 528 East Trent Avenue

Dear Gary:

After discussing your draft hold harmless agreement with Bob Eugene (Building Official), Teresa Brum (Historic Preservation), and Larry Winters (City Legal); Larry Winters has drafted an agreement that will be acceptable. Please review the enclosed draft and if acceptable, have the owner sign and notarize and return it. At that point, we will be able to issue permits for the work listed in the agreement (stair tower, elevator shaft construction, leveling of floors and fire sprinkler installation, all within the interior of the building - no work to be done on the exterior of the building shell).

I hope this will help as an interim way to keep this project on tract until SEPA, parking design and review can be completed.

Sincerely,

William M. Mott
William Mott
Plans Examiner

enclosure:

cc: Teresa Brum, Historic Preservation Officer
Bob Eugene, Building Official
Steve Haynes, Zoning
Larry Winner, City Legal

WM/lh

3E DESIGN GROUP P.S.

ARCHITECTURE • PLANNING • INTERIOR DESIGN



March 16, 1998

Larry S. Chalmers
Gary T. Connor, AIA
Robert J. Kasberger

Gale Olrich
Office of City Manager
City of Spokane
West 808 Spokane Falls Blvd.
Spokane, WA 99201

RE: Schade Towers
Spokane, WA

Dear Mr. Olrich,

I have been instructed by Mark Leonard, owner of Schade Towers to relay information to you regarding our conversations with city staff on the development process, particularly the shorelines issue.

On January 21, 1998, my office contacted Steve Haines in the zoning department to discuss potential shorelines implications of Mr. Leonard purchasing the parcel of land behind the existing Schade building from Brian Whitfield, the adjacent landowner. At that time, I was told that the parcel of land in question was part of the original shorelines permitting process which was undertaken by Mr. Whitfield. Mr Haines indicated that, because the original submittals only identified the parcel as "future development", the parcel would have to undergo another shorelines permit submittal and hearing to allow Mr Leonard to use it as part of the development of Schade Towers. He also indicated that, the proposed use of parking, was not a favored use of shorelines property, and may not be approved.

Since the initial contact with the city regarding shorelines, we have located the required high water mark and defined a site plan which responds to the restrictions required under the shorelines process. AT this time, we are prepared to initiate the permit process. Other development issues which are presently being undertaken at this time, are traffic and zoning/parking issues. Both of these issues also are impacted significantly by any final shorelines decision.

As you can see, it appears that everything is contingent on the shorelines process. While Mr. Leonard is trying to respond to all of these issues in a timely fashion, we have been working with construction services department in order to stabilize the building. While construction services have been excellent to work with, there will come a time in the very near future, when the construction process will have to stop, pending these development issues.

I trust that this is helpful to you in your evaluation of Mr. Leonard's requests. If you require any additional information on this, or any other matter on the building, please let me know.

Sincerely,

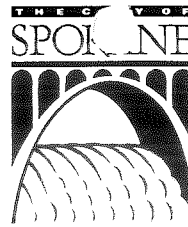
A handwritten signature in black ink that reads "Gary Connor" with a small "KG" monogram to the right.

Gary T. Connor, AIA

RECEIVED

MAR 1 1998

Spokane, WA



**PLANNING AND
ENGINEERING SERVICES**
808 W. SPOKANE FALLS BLVD.
SPOKANE, WASHINGTON 99201-3334
(509) 625-6270
SCAN 529-6270
FAX (509) 625-6274

17 March 1998

Mr. Gary T. Connor, AIA
3E Design Group P.S.
501 N. Riverpoint Blvd
Suite 425
Spokane, WA 99202-1663

Subject: Schade Towers

Thank you for your letter of March 16th. First, let me say that we, on the City staff, share some of your frustration regarding the shoreline permit process. The state Shoreline Management Act prescribes a local-state shared permit process for some types of permits, such as conditional use permits and variances. This means the City is not the final decision-maker, and also prescribes longer time frames for decisions.

The work Mr. Leonard wants to do in the shoreline area, provide vehicle parking for the Schade Tower development, does require a conditional use permit. In addition, if the parking comes within one hundred feet of mean high water, it also requires a variance. Both of these permit types require a public hearing before the City Hearing Examiner, and submittal to the state Department of Ecology for their approval, modification, or rejection.

As you know from watching the Lincoln Street Bridge issue, the City and Department of Ecology do not always agree. I hope you do not believe that approval of a conditional use permit or variance is a slam-dunk done deal. Even if the City Hearing Examiner approves the permits, Department of Ecology could deny.

City staff will assist you in any way possible. I recommend you contact Steve Haynes (625-6088) as soon as possible to begin the formal consideration of the shoreline permits. He will do his best to assist you, and move your application through the hearing process.

Gale Olrich, Acting Director
Planning & Engineering Services

CC: Bill Pupo, City Manager
Steve Haynes, Shoreline Administrator

PREDEVELOPMENT NOTES

DATE: 9-11-97

PROJECT NAME/ADDRESS: Schade Brewery Building, 528 E Trent

CONTACT: Mark Leonard

STAFF PERSON: STEVE HAYNES - 625-6088

GENERAL COMMENTS:

1. **Zoning and Land Use Plan:**

Zoning District: M1-L

2. **General Zoning Standards:**

A. **Setbacks**

Front:	15'
Side:	10'
Rear:	5'

B. Height: 150'

C. Maximum lot coverage: 75%

3. **Off-street Parking:**

Parking: Retail sales: 1 space per 250 sq ft of floor area

Office Use: 1 space per 400 sq ft of floor area

Loading: 2 loading bays are required for a building between 10 and 20,000 sq ft.

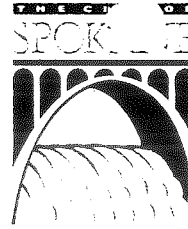
Please include parking analysis with building permit application

The parking layout shown removes parking from a site that is not yours to modify

4. **Landscaping and Screening:**

Street frontage requires 6 foot strip of type II landscape.
Other property perimeters require a 5 foot strip of type III landscape

PRE-DEVELOPMENT CONFERENCE NOTES



DEPARTMENT OF
CONSTRUCTION SERVICES
808 W. SPOKANE FALLS BLVD.
SPOKANE, WASHINGTON 99201-3343
(509) 625-6300
FAX (509) 625-6349

PROJECT: Schade Brewery Remodel
ADDRESS: 528 East Trent Avenue
MEETING DATE: September 11, 1997

JOHN BJORK, P.E., M.B.A.
DIRECTOR
CITY ENGINEER

ROBERT EUGENE
BUILDING OFFICIAL

TO THOSE ATTENDING:

City Representatives –

Steve Haynes, Zoning	625-6088
Anita Murray, Department of Construction Services	625-6300
Lou Dobberstein, Transportation	625-6480
Greg Caballero, Solid Waste Management	625-7871
Joe Wizner/Bill Mott Department of Construction Services	625-6117/625-6140
Glen Satre, Fire Prevention	625-6121
Lynn Russell, Water/Hydro Services	625-7800
Don Nesbitt, Real Estate	625-6151
Daryl Way, Spokane County Health District	324-1560
Charles E. Studer, SCAPCA	456-4727

Clients –

ALSC Architects, Architect Liberty Building #400 203 North Washington Street Spokane, WA 99201 Attn: Dave Shockley	838-8568
Promark, Inc., Owner 601 Lane Road Woodland, WA 98674 Attn: Mark Leonard	(360) 225-9249

FROM: Bob Eugene, Building Official	625-6300
BY: Joseph Wizner, Facilitator Department of Construction Services	625-6117

PROJECT INFORMATION:

- A. **General Description:** Remodel existing commercial building
- B. **Scope & Size:** Square footage not given
- C. **Special Considerations:** See Zoning comments
- D. **Estimated Schedule:** Upon approval
- E. **Estimated Cost/Valuation of Project:** Not given

ZONING

GENERAL COMMENTS:

1. **Zoning and Land Use Plan:**

Zoning District: M1-L

2. **General Zoning Standards:**

A. Setbacks

Front: 15 feet

Side: 10 feet

Rear: 5 feet

B. Height: 150 feet

C. Maximum lot coverage: 75%

3. **Off-street Parking:**

Parking: Retail sales: 1 space per 250 square feet of floor area

Restaurant Use: 1 stall per 4 seats

Office Use: 1 space per 400 square feet of main floor area, 1 per 600 on 2nd floor

Loading: 2 loading bays are required for a building between 10,000 and 20,000 square feet.

Please include parking analysis with building permit application.

The parking layout shown removes parking from a site that is not yours to modify.

4. **Landscaping and Screening:**

Street frontage requires 6-foot strip of Type II landscape.

Other property perimeters require a 5-foot strip of Type III landscape.

DEPARTMENT OF CONSTRUCTION SERVICES - ENGINEERING SERVICES

1. There are existing building permits on the present building which have never been finalized for Certificate of Occupancy.
2. According to the legal description of available County records, the Schade Brewery property is just a small portion of Block 17, and does not include the vacated Trent Avenue.
3. The present building is connected to the City water system and has recently been connected to the City sanitary sewer system.

4. Front Avenue is public right-of-way. Any extension of the proposed development into this right-of-way requires vacating this right-of-way. Any changes to the existing street improvements require approval from Transportation and Construction Services. Any work done in public right-of-way shall be done to City standards under an obstruction permit.
5. Development of parking areas requires a design for handling all on-site stormwater runoff on the site in accordance with the recommendations of the "208" program.
6. Until we receive more detailed plans, our comments are general information and by no means complete.

TRANSPORTATION DEPARTMENT

1. If a SEPA is required, a determination of trip generation is needed. This is a statement of trip generation from Institute of Transportation Engineers (ITE), 5th edition. A threshold scoping study is required. The number of parking stalls shown in the site plan indicates that a traffic study is required.
2. The traffic signal will be required to meet all warrants.
3. The new driveway on Trent Avenue will have to meet Washington State Department of Transportation access requirements.
4. A separate permit is required for the driveways by an approved contractor which will meet City standard F-103. The location must be dimensioned on the site plan.
5. All parking stalls must meet City standards and have approval from Transportation and Construction Services. The parking stalls on the site plan need to be dimensioned.
6. All driveways not used, must be replaced with City standard curb and sidewalk.

SOLID WASTE MANAGEMENT

1. **General Requirements:** Customers are responsible for obtaining the advance plan approval of all proposed waste storage areas. This requirement shall apply whenever new construction or remodeling occurs which involves the City building permit or plan review process.
2. **Equipment and Container Placement:** City containers, trucks and equipment used or supplied, and the impact upon any property of container delivery, placement, use or pick-up operations are furnished "as is". The City will not be responsible for property damage from delivery, placement, use, pickup or weight-related impacts from containers, City refuse trucks or equipment relating to container service.

3. **Vehicle Access:** Customers are responsible for City truck access by providing a minimum turning radius of 45 feet, or hammerhead, a back-up allowance of 50 feet (with all maneuvering done on site), and a minimum height requirement of 14 feet.
4. **Container Sizes and Types:** The City of Spokane provides dumpster service for both the front-end overhead pick-up type and roll-off type commercial containers. Sizes vary from 1 cubic yard to 30 cubic yard containers. Containers must be sized to provide at least one 32-gallon garbage can amount of space per unit. The City considers seven 32 gallon cans the equivalent of 1 cubic yard. Front-end type containers do not have wheels, so placement of the unit is critical. Scheduling a vehicle on site is requested, and at no additional cost.
5. **Dumpster Enclosure Requirements:** Refuse storage area must be enclosed by a 12-foot wide X 10-foot deep site-obscuring fence with gates. The enclosing fence must be a minimum of 6 feet high. The gate, when open, must have an inside measurement of no less than 12 feet for vehicle access. Drop bars must be installed so the gates remain open while dumping. Placement of a rear "stop" mechanism is necessary to avoid damage to enclosure during return operation. Container site must have adequate lighting, and any other improvements determined necessary by the Director of Solid Waste. Enclosure angle must be inspected and approved prior to construction. Dumpster must be placed on a suitable concrete pad or approved hard surface. The enclosure is not to be used as a storage area for any other materials.
6. **Food Establishments/Restaurants and Grocery Stores, Etc.:** Garbage from all food establishments (regardless of size of dumpster) must be disposed of no less frequently than once every seven days. Dumpster must be placed on a suitable concrete pad at least 12 feet wide X 10 feet deep, although size may vary for customer-owned compaction units. The enclosure must have access to year around running water, and a floor drain connected to the sanitary sewer. The floor drain must be located such that only water originating on the slab, or running water necessary for maintenance of the container reaches the sanitary sewer. **GREASE CONTAINERS MAY NOT BE STORED IN ENCLOSURE.**
7. **Fire Codes:** Fire Codes require all dumpsters be located on the exterior unless prior approval is obtained from the Fire Department. Dumpsters and containers with an individual capacity of 1 cubic yard or more shall not be stored in buildings or placed within 5 feet of combustible walls, openings or combustible roof eave lines.
8. **Recycling:** All multi-family units or any commercial accounts supplied with glass, cardboard or office paper recycling service are to have a 10 by 20 foot concrete pad with a 3-sided enclosure to screen both refuse dumpster and recycling containers. A 10 X 15 foot area will suffice for dumpster combined with recycling totes or 1-yard recycle containers. Recycling area is to have a 4-foot opening for access either to the front or side. Large containers designated for large volumes of recyclables must have screened enclosures of adequate size and dimension to contain each container. Contact the Recycling Department at 625-7878 with any questions.

9. **P.U.D.'s:** With regards to P.U.D.'s or multiple-users of a single water meter, all garbage must bill to the water account. Final approval of multiple-user projects must include the Utilities Billing Director and the Director of Solid Waste.
10. **Specific Comments:** Solid Waste must be contacted prior to location of refuse area. Review all above requirements and call with any concerns. Note food establishment requirements.

DEPARTMENT OF CONSTRUCTION SERVICES - BUILDING SERVICES

1. The new parking will require a SEPA, as there are more than 40 new stalls.
2. Any changes to the exterior of the building will also have to be approved by the Historic Preservation Office.
3. Complete plans are required for any work to be done. All plans must be sealed by an architect or engineer and include electrical, plumbing, mechanical, structural and building.
4. There are structural concerns that still need to be done especially on the upper floors that were not done under the previous remodel. These need to be included in any remodel work.
5. Accessibility for all remodeled areas need to be addressed for the upper floors and any floor where work is done.
6. Please provide an area analysis for the building with the upper floors in use.
7. Provide an exit analysis for the remodel area. Two exits are required from the upper floors.
8. These comments are preliminary and approval of any part of this project should not be assumed because of a lack of comment.

FIRE DEPARTMENT

1. Sprinklers could be required if one of several thresholds is crossed, including:
 - a. 12,000 square feet of retail on one floor, or 24,000 square feet of retail in the building.
 - b. If the building exceeds allowable area or height for the occupancy, per the UBC.
 - c. An establishment where alcohol is served and exceeding 5,000 square feet.
 - d. The basement shall be sprinklered if there is any use other than the existing carpet sales.

2. The existing fire alarm system shall be expanded to any part of the building that becomes occupied.
3. At least 2 exits are required from the basement or any floor above the first floor.

WATER/HYDROELECTRIC SERVICES

1. The existing water service may be re-used with minor upgrade(s).
2. A complete utility site plan will be required for this project, with proposed service, meter location, and type and size of material. Keep in mind the service invert will maintain an invert of 5 feet on the property.
3. Any existing or new irrigation systems will be **required to install** a Washington State approved backflow device. A double check valve assembly is recommended which must be tested by a Certified Tester.
4. If a fireline is installed, the pipe from the property line to the building will be required to pass a pressure test which must be witnessed by a Water Department Inspector. The line **must have a Washington State approved Double Detector Check Valve Assembly (D.D.C.V.A.), properly installed and tested.**
5. The existing fireline(s) will need to be upgraded with a Washington State approved Double Detector Check Valve Assembly (D.D.C.V.A.) as per Washington State regulations. The assembly must be tested by a Certified Tester.
6. It will be **required to have a Washington State approved Double Check Valve Assembly (D.C.V.A.), properly installed and tested**, because of the building height of 30 feet above the finished grade, or street grade.
7. A PVC or metallic conduit will be required from the water meter to an accessible location on the outside of the building, approximately 3 feet from finished grade. All directional changes will be made with sweeps; **90-degree elbows will not be allowed.** This is for the conductor for the remote water meter read-out.
8. Any vaults or meter boxes will be of the 24-inch ring and cover traffic load type meeting City of Spokane specifications.
9. As a recommendation, consider separate tap and meter for irrigation use. This would negate or limit sewer charges, as this service would be irrigation only without domestic use.
10. It will be the responsibility of the owner/contractor to call, before construction begins, to relocate/remove the remote water meter read-out. A call back will be necessary for re-installation.
11. The City of Spokane Water/Hydroelectric Services reserves the right, both during and after construction, to require backflow protection in the Public's interest of health and welfare.

12. Because of the static water pressure in the area, a pressure regulator will be required as per the Uniform Plumbing Code.
13. Under no circumstances shall a water meter box/vault become an active member of a "208" swale system, nor shall the water meter box/vault be set as to allow ground water/stormwater to migrate freely into the meter setting, causing the possibility of violation of existing State required cross-connection regulations.
14. Water taps will not be made in easement(s) where the street or alley has been vacated and/or where an easement has been procured for the purpose of access by, utilities, as we cannot be assured of a permanent total control of the service and its control valve(s). Any further questions on this subject must be directed to the Director of Water & Hydroelectric Services at 625-7800.
15. All trenches or excavations must comply with Washington Industrial Safety and Health Act W.A.C. #296-155 Part "N" Laws and Guidelines, as no City of Spokane employee will be permitted to enter such trenches or excavations to perform their work unless the minimum requirements are met. No exceptions will be made.
16. Other comments: We have several concerns, which we have expressed to the Fire Department, regarding the existing fireline: 1. Is the fireline metered? We show no record of any type of fireline or pumper connection and there is. 2. Does the existing fireline and its connections have any Washington State required backflow protection? Our records show none. These concerns must be met and upgraded to meet these requirements in a timely manner for continued water service. Any questions please contact Lynn Russell or Wil Simpson at 625-7844.
17. If your refuse dumpster is required to have running water, keep in mind it will be required to have a Reduced Pressure Backflow Assembly (R.P.B.A.) installed to the water line going to the dumpster area, both hot and cold as required.

REAL ESTATE DEPARTMENT

1. The proposed plan covers numerous parcel numbers, and at least three property owners, one being the City of Spokane.
2. Property owners would be wise by thoroughly having their title policy reviewed for existing easements, below, above and on the ground. Of special interest would be the status of the sub terrain tunnel.
3. The past uses of the site would make it suspect of EPA violations. If a level one or two study has not been conducted, this may be a consideration.
4. Property owners should communicate with JCHE, Riverpoint Office Park, and the City Engineering Section for any and all vacation requests, and plans for future development, both private and public.

5. This property may also be a candidate for some form of historic development, to include a possible facade easement. The owners might want to consider contacting the Historic Preservation Department, 625-6983, to get information that would save some tax money.
6. There are many proposals on the drawing board at this time for re-routing Trent Avenue, extending Riverpoint Blvd., and creating Southriver Drive. Until the final plan is accepted and the City has purchased all necessary right-of-way to allow for these improvements, the City Real Estate Department will oppose any vacation requests in this area.
7. At the present time there are documents being reviewed in Olympia, Washington, exchanging and selling portions of City right-of-way to more clearly define some of the proposed changes. Once these documents have been executed they will be made public by recording them with the County Auditor's Office.
8. In the past, and presently there have been illegal and unauthorized signs and vehicles with the City right-of-way. Many complaints have been received and at least two letters have been mailed requesting the property owner to control these encroachments. The City can no longer excuse these encroachments. Immediate action must be taken to keep the City right-of-way and City property clear of all obstructions. Further encroachments will be dealt with at the owner's expense.

HISTORIC PRESESRVATION OFFICE

The Schade Brewery is listed in both the National Register and the Spokane Register of Historic Places.

1. As a Spokane Register listed property, the building is subject to the terms of the Management Agreement. Special valuation tax incentive application was made in 1996. The property is also eligible for application for Historic Building Code Relief.
2. As a National Register listed property, the building is eligible for the Federal Investment Tax Credit, if renovated for income producing purposes. Restrictions are placed on the property only if Federal funds are used in the renovation or if the Investment Tax Credit is utilized.
3. Rehabilitation plans for the property, as submitted, may not be in compliance with the Secretary of the Interior's Standards, and could jeopardize the Spokane and National Register listings and the special valuation tax credits.

SPOKANE COUNTY HEALTH DISTRICT

1. All demolition/construction debris must be transported to and be disposed of at a licensed solid waste disposal facility.
2. Asbestos-based insulation materials must be handled and disposed of in accordance with requirements of the Spokane County Air Pollution Control Authority. Call 456-

3. A complete set of building construction plans and specifications must be submitted for review and approval by the Health Officer prior to issuance of a building permit.
4. Any/all underground storage tanks must be removed or "certified" by the jurisdictional permit-issuing agency. Soil testing after tank removal is highly recommended.
5. All wastewater-generating structures must be connected to the City of Spokane public water distribution and sewer collection systems.
6. The existing structure(s) should be tested for the presence of radon gas. If levels of 4PCI/L are found, mitigating measures should be employed during the remodeling/addition/alteration project.
7. A critical materials listing needs to be submitted for review by the Building Official. On-site disposal of wastewater from fixtures and/or floor drains will not be allowed if critical materials are stored on the premises.

SPOKANE COUNTY AIR POLLUTION CONTROL AUTHORITY

The Spokane County Air Pollution Control Authority (SCAPCA) was formed under the authority of the 1967 Clean Air Act of Washington (RCW). That act requires counties like Spokane County to activate local air pollution control agencies. To meet the requirements of that act, SCAPCA adopted regulations to control the emissions of air contaminants from sources within Spokane County.

Portions of Spokane County fail to meet federal health standards for particulate emissions (dust and smoke) and carbon monoxide. Numerous strategies have been implemented to reduce air pollution emissions so that we can improve air quality and meet health standards.

Following is a list of concerns/issues that, at a minimum, need to be addressed for the proposed project. Additional comments may result after more detailed information on the project is supplied. SCAPCA encourages proponents to contact their offices at 1101 West College Avenue, Spokane, WA 99201, (456-4727) for additional information.

The following conditions are relevant to proposed project:

1. SCAPCA Regulation I, Article V requires that a Notice of Construction and Application for Approval be submitted to and approved by our Agency prior to the construction, installation, or establishment of an air pollution source. **Based on historical information, it is logical to assume that the following air pollution sources may be present at the proposed facility:**
 - ◆ One or more fossil fuel (natural gas, propane, butane, diesel, fuel oil, or waste oil) or wood burning heat sources. Natural gas/propane/butane-burning boilers, heating units, or hot water heaters with a total heat input of 2,000,000 BTU's/hour are required to apply for a Notice of Construction (NOC). Other

units are required to apply for a NOC when the total heat input exceeds 400,000 BTU's/hour. In addition, additional requirements such as Low Nox burners and source testing may be required depending upon the size of the unit.

2. **THERE ARE NUMEROUS BUSINESSES THAT ARE ALLOWED IN COMMERCIAL AND INDUSTRIAL ZONING THAT ARE AIR POLLUTION SOURCES. BEFORE ANY BUSINESS IS ESTABLISHED AT THE SITE, SCAPCA SHOULD BE CONTACTED TO DETERMINE IF A "NOTICE OF CONSTRUCTION" IS REQUIRED. THE PROPONENT SHOULD PROVIDE A COPY OF THESE COMMENTS TO PROSPECTIVE TENANTS TO ENSURE THAT THE PROPER PERMITS ARE OBTAINED FOR THEIR TYPE OF BUSINESS**
3. SCAPCA Regulation I, Article VI, and SCAPCA Regulation II, Article IV, address air pollution emission standards. All emission standards must be met.
4. Air pollution regulations require that dust emissions during demolition, construction, and excavation projects be controlled. This may require the use of water sprays, tarps, sprinklers, or suspension of activity during certain weather conditions. Haul roads should be treated, and emissions from the transfer of earthen material must be controlled, as well as emissions from all other construction-related activities.
5. SCAPCA strongly recommends that all traveled surfaces (i.e., ingress, egress, parking areas, access roads) should be paved and kept clean to minimize dust emissions.
6. Measures must be taken to avoid the deposition of dirt and mud from unpaved surfaces onto paved surfaces. If tracking or spills occur on paved surfaces, measures must be taken immediately to clean these surfaces.
7. SCAPCA Regulation I, Article IV may require registration with this agency depending upon the type of business that may be established at the site. An approved Notice of Construction suffices to meet this requirement.
8. Debris generated as a result of this project must be disposed of by means other than burning (i.e., construction waste, vegetative waste, etc.).
9. Demolition and renovation projects must comply with the requirements of CFR 40, Part 61, Subpart M, and SCAPCA Regulation I, Article IX. "Intent to Demolish" forms are available at the SCAPCA Office.
10. Depending upon the type of business or equipment established on site, some objectionable odors may result from this project. SCAPCA's regulations state that effective control apparatus and measures must be used to reduce odors to a minimum.
11. All solid fuel burning devices (fireplaces, wood stoves, pellet stove, etc.) must comply with local, state, and federal rules and regulations. Fireplace emission standards went into effect January 1, 1997. New fireplaces must be tested and

labeled in accordance with procedures and criteria specified in the UBC Standard 31-2.

12. **We wish to confer with the applicant. Please contact Charles E. Studer (509) 456-4727, ext. 107, April Miller at ext. 105, or Kelle Vigeland at ext. 106.**
13. If the proponent or anyone else has questions concerning the above, please contact Charles E. Studer (509) 456-4727 ext. 107, April Miller ext. 105, or Kelle Vigeland ext. 106 at SCAPCA's Office during the hours of 8:00 AM to 4:30 PM, Monday through Friday.

Failure to meet SCAPCA regulations may result in delays, closure, and civil and/or criminal sanctions.